

Zoning Code Rewrite Task Force
and Stakeholder Comments

Source	#	Page/Section	Comment	Suggested Action	Final Action
Stakeholder- Jeremy Poyers/ Cameron Artigue; Gammage & Burnham	1	501.02(D); 501.11; 502.09; 502.10	<p>There is a lack of recognition that rezoning (including PAD approvals, and probably general plan amendments) are LEGISLATIVE decisions. One of the basic things we teach at the law school is the difference between legislative and quasi-judicial bodies and decisions. Many things follow from that difference. The Arizona rule is that all rezonings are legislative. What follows from that is (1) rezonings can be referred; (2) the public can meet with and "lobby" council and P&Z without raising problems; (3) council doesn't have to justify or explain its vote through written findings or otherwise; (4) there is no "appeal" as such from a rezoning; (5) courts have to really defer to the council decision.</p> <p>In many ways this draft treats rezonings as something other than legislative decisions. Section 501.02(D) provides for "appeals" of city council decisions within 30 days. Frankly I'm not sure the code can do this--if a legislative rezoning is unconstitutional, for example, it can be challenged in court, but the city has no ability to put a 30 day time limit on that lawsuit--and it's not an "appeal" in the ordinary sense, either. Table 501.11 lists rezonings, PDD's and GP amendments as "quasi judicial actions" than can be "appealed" to superior court. I don't think that's right. Section 502.09 requires disclosure of "ex parte" communications by the city council, which appears to include any meeting with a council member (or P&Z for that matter) about any case. The word "ex parte" implies that something was improper, and it's not improper or irregular for a council member to meet somebody on a zoning case. It seems unusual to me to require every council member to publicly disclose such meetings.</p>	We agree with the points made about rezonings and General Plan amendments being legislative actions and will be revising the draft accordingly. For compliance with Senate Bill 1598 we will need to incorporate overall time frames for approvals, including rezoning approvals. Whether this includes appeals of City decisions to the courts will be confirmed with the City Attorney, and where we need to distinguish approval time frames from appeal time frames, or not have appeal time frames, that will be done. As a point of information, the City already has established timeframes for all applications pursuant to ARS 9-835, including the administrative completeness review, substantive review and the total time frame.	
	2	502.10 et al	A general comment about "findings." This draft sets forth "required findings" in great detail for every body and every type of decision. I am unclear what this means, exactly. These "findings" could just mean the required "conditions for issuance" which would allow a check-the-box kind of boilerplate decision, i.e., the body says "we hereby find that all prerequisites set by the code have been established." If that is the intent, I would prefer to call this conditions or standards and not describe it in terms of "required findings." On the other hand, these sections could mean that the body must actually write a narrative for each approval, supplying the evidentiary detail HOW the various findings were proven and by what evidence. If that's what these sections mean, that's a lot of work for the staff and the various bodies. My guess is that people won't be sure what these "findings" sections are supposed to mean, and every body will do things a little different, and that will create confusion.	We believe that "findings" requirements are good practice, used by many peer communities, and they are distinguishable from conditions and standards. Having good staff report templates will be an important adjunct to the process, but the fact that this make take some time initially is no reason not to do it if the result is a clear, transparent process, grounded in consideration of the rules and regulations as well as public and stakeholder input. Findings-based decision-making is a good rule we have found in all states that we practice, not just California. By way of example, Gilbert, Mesa, Tempe and Queen Creek have adopted this approach.	
	3	503.06	Planning Commission: I wonder about the PC making recommendations on development agreements. I'm not sure about other cities, but this seems odd to me. Section 503.06 provides for CUP's to be appealed to the PC. Is this a legislative or a quasi judicial decision? This affects the evidence that can be considered, whether lobbying and other "ex parte" stuff is OK, and so forth.	City staff is still reviewing specifics for the Development Agreement provisions, so this will change. CUP appeals are to the City Council and this would be a quasi-judicial decision and the commenter is right that this would affect lobbying and "ex parte" limitations, which we propose would not be allowed on such appeals.	
	4	501.06; 501.07(C)	Board of Adjustment. Section 501.06 says that the B of A decides de novo appeals from the hearing officer--fine. But 501.07(C) does NOT say the same thing with respect to ZA decisions appealed to B of A. What does this mean? If it is (or isn't) supposed to be de novo (meaning a do-over), the code should say. Arizona case law (Chino Valley case) suggests that B of A hearing is de novo.	This clarification will be made, confirming these are de novo hearings.	
	5	501.04(C)	501.04(C) lets each council person appoint his/her own B of A member for each district. But vacancies are filled by the whole council. Why not let the individual council member fill his/her own vacancy?	This makes sense.	
	6	502.06(B)(3)	Section 502.06(B)(3) says that when there are multiple applications with different notice requirements, the "more restrictive" notice requirement governs. If you think about it, the word "restrictive" is ambiguous---more restrictive could mean less notice. It should say "the requirement that provides for greater notice shall apply."	Good clarification.	
	7	502.06(E)	502.06(E) is entitled "failure to GIVE notice" but the single sentence of text says that failure to RECEIVE notice is not fatal. They isn't the same thing. Failure to give is traditionally fatal; failure to receive is not (because the applicant can't prove that someone got their mail, and someone should not be able to create trouble by refusing to pick up the mail, or read the paper, or whatever). The heading and the text should agree, and both should say what they mean.	Good clarification; text will be changed to be consistent and say in the heading "failure to receive notice".	
	8	502.11(B)	Under Arizona statutes, the 30 day referendum clock starts on the date that the minutes/ordinance becomes available for circulation. By definition, a rezoning takes effect 30 days later, unless a sufficient referendum is filed. Well, section 502.11(B) says that a rezoning that requires any sort of contract (i.e., deed restrictions, but presumably also a development agreement) is not "effective" until the required contract takes effect. That would create all sorts of questions--for referendums, for zoning contingencies in purchase contracts, for lending decisions, and so forth. I can't work through every possibility, but it's a potential mess.	Revisions will be made in consultation with the the consultant team's legal counsel and the City Attorney to avoid a potential mess.	
	9	502.12	section 502.12 says that a final decision takes effect when the appeal time has run out "unless an appeal is filed." This implies the converse, i.e., that the filing of an appeal stops the final decision from taking effect. If that is the intent, the code should say so; if that is not the intent, the code should not imply it. In terms of substance, this could mean a neighbor who wants to make trouble (I have represented lots of these types) can delay the effective permit, or even delay the rezoning itself, by filing a flimsy appeal. This has not been the rule in Arizona--generally it's up to the appealing party to get a TRO or other "stay" of the decision.	Good clarification; text will be changed. The idea is that an appeal stays the City's proceedings in the matter appealed until the appeal is decided unless there would be an imminent peril to life or property. The Code Rewrite also will state that the appeal does not invalidate the approval. AND, the holder of the approval may proceed with a use or development at their own risk. This is how Tempe handles this issue.	
	10	503.04	The "zoning permit" created by 503.04 seems new to me. The intent seems to be that if I want to do some TI's and build out an old Starbucks into a taco shop, which keeps the same zoning, I need to get a "zoning permit." I believe this is usually done over the counter by the building official. Maybe other Arizona cities issue a "zoning permit" in these circumstances and I just have not heard of it.	Yes, this will be new and, for the example cited, it would be an over-the-counter action. Many Arizona cities have administrative action review procedures, called zoning clearances, zoning certificates or zoning permits.	
	11	505.02	I don't think you can take 505.02 literally. It says that "no variance shall be granted . . . that would . . . alter any . . . height . . . of a structure not expressly permitted by the provisions of this code." So, no variances for an 8 foot wall when the code says 6 feet? That knocks out a lot of typical, harmless variances. I know they don't mean that, so why say it?	Good clarification; ARS provisions (9-462.05) will be tracked for this regulation, and no higher standard will be set.	

	12	507.01	Section 507.01 says that the GP can be amended only when there are "compelling" reasons to do so, and implies a "necessary" standard. This may be too strict for developer-initiated amendments. I've not seen a "compelling" or "necessity" standard before. Certainly, these standards should not apply to the city's own periodic updates or city-initiated changes.	ARS provisions (9-461.06) will be tracked for this section and we believe the findings requirements are consistent with ARS. The "Purpose and Applicability" section, however, will need to be revised.	
	13	508.06(B)	Section 508.06(B), the 3/4 vote protest section, requires protests to be filed by noon on the Monday of the week prior to the council hearing. Monday is just asking for trouble and uncertainty. Each year there are lots of Monday holidays--does that mean the protest is due the preceding Friday, or can it be filed until Tuesday? By noon on Friday/Tuesday? Avoid this issue by saying Tuesday; or say "Monday or, if Monday is a legal holiday, the next business day."	Good clarification.	
ZCRTF Memembs - Bob Marsh, Ron Batt, Ted Yocum	14	P ii	Tables: Typo: "Limitations"	Correction noted.	
	15	P 11, 501.03.C.1	Clumsy wording: Rephrase: All members shall be residents of the city	Will do.	
	16		Unclear: What does this mean? "self-imposed special circumstances"	The "special circumstances" is intended to refer to those found in ARS 9-462.06; this will be re-written to track State law more clearly. The basic idea is that an individual, for example, built an addition without obtaining permits that did not conform to setback or height requirements or follow the appropriate process, that is a self-imposed hardship and would not justify the granting of a variance.	
		P13, 501.04 B.2.b			
	17	P13, 501.04 C.1	Wording: All members shall be residents	Will say so.	
	18	P 16, 501.08.C	Need to add: Service concurrent with city council member term, like the other appointed boards, and no compensation	Will do.	
	19	P 20, 502.01.C.1	Question: Are there penalties, and who follows up and monitors and collects them?	This is an administrative/Staff responsibility.	
	20	P 27, 502.06.C.5	Suggest we say that: Notice will be provided by electronic means (not may be provided) and add "social media" after the word website.	Good clarification.	
	21		Enforcement?: We are concerned that the doc is weak on enforcement. It kind of ripples through several sections.	We will be reviewing enforcement provisions with the City Attorney and City Code Enforcement staff; we believe the provisions are strong and appropriate for a Code such as this.	
		P 34, 502.11, and in general.			
	22		Question: We assume that "First Amendment" referred to the US Constitution, but it could be City Code, ARS, or this new Zoning Code.	Additional citation to be added.	
		P 42, 503.10			
	23		Waivers: We'd like to discuss waivers, as they, as described, seem to remove responsibilities from the BOA and give them to ad administrator. We have "potential for abuse" issues with this, as a single administrator can be bribed, whereas a Board of Adjustment cannot. Is this waiver process common in other cities? Are lots of waivers granted by P&Z?	Task Force Discussion Issue: Many cities do delegate authority to grant waivers to a Staff member, subject to limitations and findings requirements to avoid abuses of discretion. Phoenix exercises this with weekly hearings.	
		P 48, Article 506			
	24		General Coordination: Who is responsible for keeping zoning ordinances coordination with city, county, state, and federal laws, as they change over time?	The City Attorney and Department heads for their respective areas of authority.	
		General			
	25		General PAD's: Could the Heritage District be treated as a citizens' group's PAD, rather than creating some newly defined committee to manage its growth and development?	Task Force Discussion Issue: Formation of a Heritage District Advisory Committee could be deferred; it is not an essential committee for administration of the new Code.	
		General			
	26		Enforcement officer: We suggest that the code specify something like having the enforcement officer (and perhaps other city staff) drive and walk around the city on a regular schedule, perhaps covering the whole city each quarter, looking for violations, for quality of life issues that might be ameliorated by a bit of enforcement. Zoning enforcement should me more than simply getting complaints from residents and reviewing building permit applications. We need feet on the street, a city government that knows the whole city and sees what is going on everywhere. Ivory tower governments don't work so well.	This is a good idea, but it should be an administrative policy, not a Code requirement.	
		P 63 502.02.C			
ZCRTF - Member Peggy Chapados	27	4 / 1st ¶, line 4	Review Authorities: Insert "that" or "which" ...and those ^ have a large...	Will do.	
	28	General	I support the proposed changes and modifications provided corresponding skills sets, responsibilities and levels of decision-making authority are clear		
	29	6 / 3 ls	PADs: Add as a requirement for further review, but not necessarily a "major amendment": <u>"changes in ownership or controlling entity of the lots"</u> in order to provide consistency in overall design / intent.	We are not sure that a simple change in ownership should trigger City review; this should only occur if a substantive change in the project itself is requested.	
	30	7 / 2nd ¶	10% of lots be at least 20% larger, etc.: Not sure if this requirement won't be mandating lifestyles as opposed to creating housing diversity. <u>Request more discussion</u> from Task Force about mixing types of housing units within 1 development and this section.	Task Force Discussion Issue. Our intent is to meet the goals and objectives of the General Plan and Stakeholder comments to diversify housing options in the City. As is, the vast majority of housing ranges from 5,000- 8,000 sf lots, most of which cater to similar home buyer. The City should consider mechanisms to provide opportunities for large lots, cluster subdivisions, and multi-housing. At the scale which this rule would apply, we do not believe it mandates a lifestyle; rather, it is providing for diversity of choice on 10 percent of the lots.	
	31	7 / A - P&Z	Policy Questions: Agree that qualifications are necessary, but would also like to see specific skill sets and/or related experiences for all members. Would suggest that at least 3 have specific expertise in fields cited. (Note: appointment / approval process for Board, Committee & Commission members may need some review / revision.)	We will expand these qualifications, as suggested.	
	32	7 / B - Hearing Officer / B of A	Good addition. Also, I agree that this position and Zoning Administrator could be same person. Would also suggest building in some redundancy in the event of staffing changes / budget reductions.	Good idea.	

	33	7 / C - Heritage	Given the scope of issues in this area, and the fact that it began as a "Redevelopment District" project, I do not support creating another level of authority. I would strongly advise that the Heritage District remain in an advisory capacity and have input on items relating to aesthetics, purpose, use, etc. for recommendation only to P&Z, BofA or Council. Opposed to creating Advisory Review Body with authority.	As proposed, the level of authority would not change. They do not have final decision making authority on development projects, but only advisory to ZA/Hearing Officer, P&Z, and City Council. This Committee is not essential for administration of the Code but its advice may prove helpful for decision-making. Its formation could be deferred if the Task Force or Council so directs.	
	34	8 / D-1	Newspaper - agree with recommendation.		
	35	8 / D-2	Electronic - agree with recommendation but with specific language as to applicable notification sites	Will add.	
	36	8 / D-3	Minor permits - define "traditional notice", also specify/ reference process for requesting a hearing	Will do.	
	37	8 / E Revoc.	Agree with recommendation for internal process		
	38	8 / F - TUPs	Sign posting only is weak given the potential for landowners / neighbors out of town. Revise to allow flexibility of notification methods on case-by-case basis. This will be particularly relevant given the number of bank-owned / off-site owner properties in Maricopa.	OK.	
	39	8 / G - Dev. Review	Policy Questions - continued: Seems like something is missing. Should there just be G-1 or is there more?	Nothing more was intended, as the question was referring to the regulatory text in the body of the module.	
	40	10 / D	501.02 - Council: Appeals - should be "Pinal" County Superior Court	Will fix.	
	41	11 / B-3-d	501.03 - P&Z: I support establishing an annual meeting / review mechanism involving P&Z, BofA and Council re: development plans, etc. as stated	Good idea, but not sure an annual meeting should be a codified requirement. This might be best handled as a Council initiative.	
	42	11 / C-1	Members: co-terminus with Councilmember & Mayor, which may result in 4 terms expiring. Revise language.	Staggered terms can be established to provide for continuity.	
	43	11 / C-1	Why limit to 2 terms? <u>Discussion needed.</u>	Task Force Discussion issue. Term limits are not an essential requirement. Many cities do this informally to promote participation, without codifying a rule.	
	44	11 / C-1	<u>ADD:</u> Commissioners shall elect a Chair & Vice-Chair on an annual basis. (To coincide with appt. dates)	Will do.	
	45	12 / C-2	Qualifications need more detail. Define "practicing". We should allow for retirees, consultants, etc. Also define "otherwise qualified". This could be done by revising the application for BCC members.	Will do. The qualification of " Practicing" will be expanded to include retirees and consultants.	
	46	12 / C-3	"Showing the vote of each member" - usually the outcome is reflected as a body unless a roll call vote is required. Revise. Also, what "examinations"?	Will do. "Examinations" will be replaced by "deliberations".	
	47	12 / C-4	Rules of Procedure will be set forth either by City Code or the BCC Handbook / Guidelines.	OK.	
	48	12 / C-5	If quorum = 4, then a simple majority of quorum (3) is sufficient to take action. Unanimous consent too rigid.	Will revise.	
	49	12 / C-5	Eliminate staff as an alternate member. If there is no quorum, then there is no meeting. Also, consent agenda items are rare.	Will revise.	
	50	12 / D	Eliminate comma after Council	OK.	
	51	13 / C-1	501.04 - Board of Adjustment: Why have alternates here? Could be problematic given the current BCC appointment process.	Will be removed from code	
	52	13 / C-1	Members: co-terminus with Councilmember & Mayor, which will result in 4 terms expiring. Revise language.	OK.	
	53	13 / C-1	Why limit to 2 terms? <u>Discussion needed.</u>	Task Force Discussion issue. Term limits are not an essential requirement. Many cities do this informally to promote participation, without codifying a rule.	
	54	13 / C-1	<u>ADD:</u> Commissioners shall elect a Chair & Vice-Chair on an annual basis. (To coincide with appt. dates)	OK.	
	55	14 / C-2	Qualifications need more detail. Define "practicing". We should allow for retirees, consultants, etc. Also define "otherwise qualified". This could be done by revising the application for BCC members.	Will do.	
	56	14 / C-3	Power to administer oaths, etc. - <u>clarification & discussion needed.</u> Why not also with P&Z?	Will delete; not essential.	
	57	14 / C-4	"Showing the vote of each member" - usually the outcome is reflected as a body unless a roll call vote is required. Revise. Also, what "examinations"?	Will revise.	
	58	14 / C-5	Rules of Procedure will be set forth either by City Code or the BCC Handbook / Guidelines.	OK	
	59	14 / C-6	If quorum = 4, then a simple majority of quorum (3) is sufficient to take action. Unanimous consent too rigid.	OK	
	60	14 / C-7	Eliminate staff as an alternate member. If there is no quorum, then there is no meeting. If there are alternate members, they would be called to sit at the meeting. Also, consent agenda items are rare.	Will do	
	61	14 / A-1	501.5 Development Services: "Director" and "Manager" may be 2 different people. Revise to avoid confusion or misunderstanding.	OK	
	62	15 / A-1	501.6 Hearing Officer: Change to "appointed by Dev. Services Director <u>or Assistant Director</u> . Delete "of their designee".	Would prefer to just use "Director" and establish in the Introductory Provisions and Definitions that this includes Assistant Director and any other designee.	
	63	15 / A-1	Need to create redundancy - add "Asst. DS Director" or Zoning Admin. as back-up Hearing Officer.	Agree; see above.	
	64	15 / D	"de novo" - is this standard language? Can we just say something simple here?	Will clarify, but the term has an important meaning - that the hearing is not just limited to the record, but new testimony can be taken and new information considered.	
	65	16 / A-1	501.7 Zoning Administrator: Change to "appointed by Dev. Services Director <u>or Assistant Director</u> . Delete "of their designee".	Would prefer to just use "Director" and establish in the Introductory Provisions and Definitions that this includes Assistant Director and any other designee.	
	66	16 / B-1	Need to create redundancy - add "Asst. DS Director" or Zoning Admin. as back-up Zoning Admin.	see above.	
	67	16 - all	501.8 Heritage Dist. Advisory: ELIMINATE from code. Committees should not be created administratively. Creation & purpose already established.	Will do; we agree that the City Council can act at some future time to establish an advisory development/redevelopment review body.	

	68	17 - all	501.09 - Technical Advisory Committee: More discussion requested. Is this creating another "formal" level of government as opposed to establishing an administrative process / step? I support this concept, but to require it as a formal, codified group may not be necessary and may create added layers of bureaucracy / unintended consequences.	Task Force Informational Comment: This section is simply expanding the current duties of an existing informal plan review committee (staff & Facilities representative, ie utilities & school district) established under the Subdivision Regulations (common to almost all municipalities) so it's a "one-stop" process and no separate Zoning Technical Committee is created. The Committee has been formally created by the Council by adoption of Subdivision Code already; the Code Rewrite just expands on the role to provide comprehensive reviews. Basically already practiced, just codified	
	69	17 / A (Ak-Chin & GRIC)	501.10 - Other: (See above) Codifying this may be unnecessary and could be included in .09 as part of Technical Advisors. When would land under tribal jurisdiction need City approval?	Could be deleted, but we recommend keeping it; it was included because the IGA with the Tribes provides for such referrals and it seemed reasonable to recognize this obligation formally so the consultation process is not forgotten.	
	70	20 / B-2 & 3	502.02 - Application Submittal & Review: Is the intent to amass actual material samples? Rather than having to store actual materials after they are submitted & reviewed, could a photo record suffice?	Actual material samples are often very helpful for the public process and decision-making; photographs can be kept for the record, and samples returned to the applicants.	
		21 / C-1 & 3	Fee Waiver or Deferral: a) Is partial waiver / deferral an option?	We can add provision for partial waiver, with basis for making that determination.	
			b) Does "unique financial hardship" reflect best practices and is the criteria subjective or objective?	The term is intended to be objective, and can be defined by the Council in the resolution setting fees and listing specific fee waivers to avoid any misunderstandin, Setting out the option for a waiver t in the Council resolution makes sense so the Director has objective criteria to follow and would not have to make that determination (e.g. affordable housing applicants, nonprofit 501(c)(3) social service providers, etc.)	
		21 / C-4	Should time frames be included? ex. Refunds will be made within 10 business days?, or something similar?	Good idea	
	71	21 / B-1(a-h)	502.03 Preliminary Review: Do these "required" reflect best practices?	Yes.	
		22 / E	If "advisory" and not binding, what happens if actual review identifies the same issues and a permit is denied or requires further modification for review? Wouldn't it benefit the process to identify issues that need revision whether at this stage or formal review?	The idea of preliminary review is to make this an informal process, allowing the applicant to change the design or development program considering the comments and other business factors. If no change is made, then the permit would be denied or conditions imposed. We think the process as outlined allows needed flexibility prior to a formal application.	
	72	22 / C-2nd line	502.04 - Review of Applications: Remove comma (,) after Director	OK	
		22 / C-3rd line	Revise the language to state ...a new or correct revised application...as determined by the Director?	We also could define "New application" to include the idea of a corrected, revised application, but it is clean just to say a new application, with a new fee....	
		22 / D	Same heading as B - can the two be combined?	The heading for "D" will be revised to say "Record Date for a Complete Application" as this then becomes the reference date for SB 1598 purposes.	
	73	22 / A	502-05 - Neighborhood Notification & Meetings: Seems like this could create unintended consequences by requiring an actual meeting. Additional discussion requested as there could be existing mechanisms that might work rather than requiring more meetings.	Task Force Discussion Issue: Our intent is just to have one neighborhood meeting for a project, as is currently required by Ordinance 07-01 establishing the City's Citizen Participation Requirements. The meeting would suffice for one or more of the listed application, which could be simplified (see below); these provisions generally track ARS requirements and are substantially the same as the neighborhood meeting requirements in peer communities.	
		23 / B	Requiring meetings for all of these seems excessive		
		23 / C	Way too restrictive. Eliminate or substantially revise.		
		23 / D	Way too restrictive. Eliminate or substantially revise.		
		23 / E	Too restrictive. Eliminate or substantially revise.		
		22-23	Section has notification first, sections should reflect that	Order will be revised.	
		24 / F	Notification requirements need revision.	This section will be revised, as warranted, to track ARS requirements and be consistent with the Common Procedures.	
		24-25 / G	Needs revision	We think a basic meeting summary must be required that includes the issues raised and notes of the meeting and that the meeting summary has to be submitted to the Director. The details could be eliminated.	
	74	General	<i>502-05 in general - I feel that some of the requirements are contrary to the "user-friendly" and expeditious intent of the code. Further discussion requested. I would support revising this section to only require meetings for significant changes / development and not "routine" projects. I understand that this is being proposed as a "good neighbor" effort, but it appears to create more negative consequences than necessary.</i>	We agree that the Code should not be over-reaching and Public Hearings only are needed, as required by State law, for major projects, Planned Area Development, Zoning Map amendments and General Plan amendments, major modifications to an approved plan or condition of approval when the original project required a neighborhood meeting, Public Hearing.	
	75	25	502.06 - Notification: Another heading of just "notification" may be confusing. Revise to say "Public Hearing Notification"	Will do.	
	76	25 / 2	Is "general circulation" the same as subscriber-based?	Yes; this will be clarified in Definitions.	
	77	29-31	TABLE 502.06: Revisions pending recommendations	Will do.	
	78	32 / C	502.08 Public Hearing: Investigations - revise to indicate that investigations may be requested by Committee for approval by D.Ser.	Will do	

	79	32 / B	502.09 Ex Parte Communications: Would it be prudent to also include a confidentiality statement re: non-disclosed or proprietary matters?	Good clarification; the disclosure should not have to include details of proprietary or confidential information, but note, for the record, the general substance as it pertains to the action being requested of the City (e.g. a rezoning for an industrial plant or a software developer without details on what is being made).	
	80	33 / A	502.11 Conditions of Approval: Should this include condition "qualifiers" - i.e., Strategic Plan, General Plan, other Codes or statutes, etc.?	Good additions (" ...the requirements of this Code, <u>the General Plan, the City's Strategic Plan and other City Policies, Codes or requirements...."</u>)	
		34 / C	Should we "sunset" ...a reasonable time if no time limitations are specified." Months? Years? By process?	We think some flexibility is warranted in light of recent economic events and would be reluctant to recommend a specific date as approvals and conditions often "run with the land".	
	81	34	502.12 Effective Dates: What if there is confirmation that a final decision will not be appealed? Does this unnecessarily delay approval?	Will clarify that an applicant can proceed the basis of an approval but bears a risk if appealed. This section will be revised in consultant with the team's legal counsel.	
	82	34 / A - C	502.13 Extensions: Include clarification that modifications do not mean variances that would otherwise require formal approval	Agree; good clarification.	
	83	34 / A - D	502.14 Revocation: Would it be prudent to include a statement that for any activity (construction, renovation, expansion, etc.) in-progress, a notice to suspend/ halt work may be issued	Yes, with due cause.	
	84	37 / 4	502.15 Appeal: Sentences should be combined. "If such...." is fragment	Will do.	
	85	41 / B-1	503.09 TUP: Is there also a maximum # of days prior?	Could add 90 days prior as the maximum.	
		42 / E-2	Is there a maximum TUP period?	A maximum time period could be set, such as two years, which is the term limit in Mesa, with shorter periods for some specific temporary uses (e.g. seasonal sales or garage sales).	
	86	43	504.03 Application: Agree with footnote 2 re: requirements inclusion	OK	
	87	46 - 1st line	504.08 Conditions: Change "...Permit that "is" to "are"	OK	
	88	47	505.02 Applicability Should we include a statement to the effect that "any initiation of an unapproved use, alteration, modification or change to an existing structure shall not be deemed grounds for approving a variance."	Will review with the City Attorney - This section generally tracks ARS requirements for findings of a variance. At present, "a non-self-imposed hardship" must be found, among other things to legally issue a variance. The alteration of any structure that is subject to the Zoning Code must meet the applicable code requirements. If improvements are made without necessary clearance or permits, it is deemed a self-imposed hardship and therefore not approved and a violation of the code.	
	89	47 / A - D	505.05 Required Findings: Are there objective standards or criteria established or as precedent related to these provisions?	These generally track ARS and are objective standards commonly used.	
	90	49 / A - J	506.02 Applicability: Request explanation at review meeting as to how variance computations / adjustments are managed	Task Force Informational Item. City staff will be able to do this.	
	91	50 / D-1	506.05 Required Findings: Would variances also need approval or inspection related to Fire Code? Should this be included?	Fire Code inspections are usually independent of this section, but Fire Chief input would occur through the Technical Review Committee and conditions of approval could explicitly call for Fire Chief inspections if needed.	
	92	52	507.02 Initiation of Amendment: If a property owner requests an amendment, besides paying the fee, what other expenses must be covered and would they the responsibility of that owner?	All other expenses are the applicants, and these normally related to design and site planning documents.	
	93	52 / B-3	507.03 Public Not.: Is "regional planning agency" the same as the MPO	Will clarify this here or in Definitions.	
	94	53 / B-2	507.06 City Council Action: Would the existing code apply to how "reconsideration" is addressed, or is this different? <i>(Art. II, 2-78c - pg. 10)</i>	Reconsideration is normally a separate process; it is an extraordinary remedy when there is a mistake of law or fact or to avoid a delay or hardship that may be caused by an appeal. Provisions for re-consideration can be added in quite easily; they are used in some peer communities. It is preferable to be clear in the Code than just rely on Robert's Rules of Order for a reconsideration.	
	95	54	508.02 Initiation of Amendment: If a property owner requests an amendment, besides paying the fee, what other expenses must be covered and would they the responsibility of that owner?	All other expenses are the applicants, and these normally related to design and site planning documents.	
	96	54-55 / B	508.06 City Council Action: a) Does this mean <u>deeded</u> owners? b) Would a Council member who is a landowner have to declare a Conflict of Interest and recuse him/herself?	This clarification can be part of the Definitions.	
	97	58	509.04 PAD Diversity: Request additional discussion. Clarification as to intent and impact would be helpful and more discussion by the Task Force Members. I have several concerns.	Task Force Discussion Issue: How to promote housing diversity?	
	98	58 / F	509.05 Required Findings: Please clarify "demonstratively superior to the development that could occur". Examples?	Cluster development would be an example, where more contiguous park and open space is created with smaller lots. Shared driveways or use of alleys are other examples. The applicant would demonstrate this by showing a "standard" project and then the differences and how they contribute to a design concept or community benefits or reduce environmental impacts.	

	99	59 / last sent.	509.06 Conditions: What would constitute "reasonable guarantees and evidence" of compliance? Examples?	"Reasonable guarantees" typically mean bonding or letters of credit or other performance guarantees, such as are normally part of the subdivision process and the evidence would be the same as expected of a subdivider in relation to improvement requirements. The provisions of the City's Subdivision Regulations will be reviewed to ensure that these regulations are consistent and no misunderstanding is created about what may occur.	
	100	59 / A-3	509.07 Expiration and Renewal: What happens in the event a PAD Plan expires due to inaction between phases?	We will add a provision to address this and allow for approval of extensions with reasonable cause.	
		59 / B	Are renewals unlimited? Is there a maximum number?	As long as a project is being diligently pursued with "investment-based" commitments and the applicant has a vested right to it, we do not see the need to set a limit on renewals.	
	101	General	<i>I would like more detail on a PAD process timeline. Also, how costly is this process and who (developer / builder / City / utilities / etc.) does what? Could be done 1-on-1 or with Task Force.</i>	City staff will up follow up with Councilwoman Chapados on this topic.	
	ARTICLE 510 - DEVELOPMENT AGREEMENTS (Reserved) When will this section be completed?			Staff is in review of procedures and will provide for Task Force review with Use Regulations discussion.	
	102	61 / A	511.03 Procedures: Can annexation be initiated by the City (Council)?	Yes; this will be clarified.	
		62 / B	Why wouldn't the City decide on the Zoning as opposed to having it "per Pinal County"?	Yes; correction noted.	
		62 / C	How would it work if Pinal Co. issued a permit for something that annexation would prohibit / limit? Is there communication about the intent to annex to avoid potential issues? Is that considered confidential?	The annexation process is open and intended to be transparent, so we would expect that the information to be submitted to the City under this section would be part of the public record. A Pre-Annex Agreement may be necessary to address nuances in existing County entitlements.	
	103	62 / B	511.04 Existing Uses and Structures: Does that also mean that any fees associated with extensions would be City revenue?	Any fee associated with a City approval would be a City revenue.	
		62 / C	Can you clarify what this means, please? Example?	This means that a legally created lot under County regulations that may be judged "substandard" under the City's dimensional requirements can still be used for development. This approach is preferable to calling it a "non-conforming" lot.	
	104	63	512.02 Enforcement.: What about Fire Marshall's responsibilities? Add?	These responsibilities are covered by the statement "All other officers not specified in this section shall enforce the provisions related to their areas of responsibilities...."	
	105	64	512.04 Penalties: a) Has Council adopted a Resolution re: civil penalties?	This would be a prospective action for the Council to take after the Code Rewrite has been adopted, but they also could do this at any time.	
			b) Is there established rules of procedure for hearings?	ARS states that the Council shall adopt written rules; they may already have done so in which case no further action is needed. If not, this clause is a good reminder.	
	106	64	512.05 Remedies: Why can't there be both civil & criminal prosecution?	This is a policy call; we were trying to avoid "double jeopardy". Generally, we see land use and zoning violations as civil matters and rarely do cities initiate criminal proceedings.	
	107	64 / A	512.06 Nuisance Abatement: Does the Notice have to be mailed? Can personal service of the notice suffice? Is there an established "specified time period" to cure? (HOA law = 14 days)	We will review ARS requirements for notice and amend this section accordingly. Under the law, personal service does suffice. The time period may need to relate to the nature of the nuisance, and some flexibility may be warranted. Some cities say that after three violations of the same rule or standard, the City will prosecute the offender for a misdemeanor.	
	108	65 / E Action	If Council can hear "testimony", must that be sworn?	ARS does not require "sworn" testimony. In most hearings, an individual simply comes to the podium and says what he or she came to say on the matter.	
	109	65 / A	512.07 Recording a Notice and Order: What happens if the owner (other) refuses to comply. Can additional penalties / sanctions be levied? Can the City still place a lien upon this property? Assess fines?	This section will track ARS requirements which are very specific on recovering City costs and related notification and hearing requirements. In a zoning code, a "light touch" on nuisance abatement is preferable as this is normally covered separately in a City Code.	
			What would be a reasonable time for compliance before it's taken to the next level?	Again, we think this is best determined on a case-by-case basis.	
	110	General comment and request for additional discussion:	<i>Historically, HOAs have seen significant reductions in their ability to "enforce" violations other than to issue violation letters and fines. They are not collectible through any legal means. The HOA cannot lien a property for nuisance / abatement / non-compliance issues related to property maintenance, etc. (only non-payment of assessments).</i>	Good point.	
	111		<i>In the past, the City's Code Enforcement Officer has been extremely helpful in assisting HOA managers / boards with notices that either initiate abatement action or resulted in voluntary compliance without further action. When circumstances warranted it, the City has placed a lien on those properties. This applied especially to bank-owned properties following foreclosures.</i>	Good information for the Task Force.	

	111		<i>I feel this is an important point to discuss and also to enable / empower Code Enforcement officers to cite property owners for violations when HOA attempts are unsuccessful or when there is a situation where a higher level of enforcement may produce the desired levels of voluntary compliance. Can we please include this for our next meeting? Thank you.</i>	Task Force Discussion Issue: We believe that the proposed regulations respond to the concern raised. If there is a violation of City or Zoning Code on a property, it should be enforced by Code Compliance officer, regardless of CC&R's. City cannot enforce private property CC&R's unless they are a party too, and have said authority in the CC&R's	
ZCRTF - Member Cheney	112	General comment regarding the July 24th Task Force Meeting	Having thought about the direction that the Task Force gave the Consultant at the last Task Force meeting regarding the concept of "creating community character through diversity, including providing incentives for being innovative", I do not think I did a very good job in my review comments of articulating the positive benefits of such a type of provision in the Zoning Code. I strongly believe that Maricopa's Zoning Code should not dictate specific residential design criteria such as 50% of homes are required to have a front porch, 10% of lots in a project have to be 20% larger, or 10% of lots have to have attached housing. This type of approach is too rigid and does not allow the flexibility that is so vital to creating a welcoming, thriving and 'open for business' atmosphere in Maricopa. Frankly, this rigid type of design criteria does not encourage the innovation that is necessary to keep up with the ever changing and dynamic housing market. The best way to encourage homebuilders to come back to Maricopa is to provide them with a variety of options that would accomplish the diversity that the City desires and at the same time provide the homebuilder with the flexibility and the freedom of choice to do what they do best; design housing products for specific targeted consumer markets. Perhaps, I concerned City staff, the Consultant and the Task Force when I suggested a "diversity with incentives" <u>check list</u> type approach. It was suggested in the meeting that this type of approach was too complex and complicated. Because I believe very strongly that Maricopa should not be dictating design standards, I am providing, as an example, the Residential Development Guidelines from a highly successful neighboring community, Gilbert, in hopes that the Task Force will review the Guidelines and that <u>we can have further discussion on this subject</u> at our next meeting on August 14th.	Task Force Informational Comment. This clarification is appreciated; having worked on the Gilbert Code, we believe that we can align Maricopa's Code Rewrite with the objective of having flexibility to respond to market demands with a variety of options.	
	113	General	The Administration and Permits section of a Zoning Code is its heart and soul, its foundation. It communicates to the development community, if the Code is truly streamlined and user-friendly or if it is onerous and problematic. It either encourages or discourages the development community to come to Maricopa, to bring housing, new businesses, employment and industry, which all generate economic development. Having now read through and commented on the Administrative and Permits section of the draft Code, I have to say this is not at all the direction I thought the Zoning Code was going in. It has been represented that this new Code would be streamlined and simplified and that the regulations would have a 'light touch'. Instead, this Administration and Permits section goes above and beyond what is required in the State Statutes and hence, overregulates. It creates layers of unnecessary applications, fees and permits and sets requirements for zoning submittals that are impossible to accomplish (see comment 96). I may be completely wrong, but I think the current City Council wants this Code to be truly user-friendly and streamlined and wants it to encourage economic development in Maricopa. <u>Can the Task Force have this as a discussion item?</u>	Task Force Discussion Issue: We continue to support the stated objective of streamlining the process and, as we work through modifications to the module, will be sensitive to the need not to over-regulate. In fact, many of the specific revisions that will be made in response to Task Force member comments will go a long way towards ensuring the streamlining and simplification that is requested.	
	114	General	This draft does not adequately addressed what happens to the existing zoned properties. It shouldn't be that by adoption of the new code that existing zoned properties lose the existing zoning and automatically get zoned a new zone district classification. How will the existing Transitional zoned (TR - mixed use) properties, with the ability to develop residential and/or commercial uses, be treated? What new zone category would these be placed in that would still allow the land uses associated with the TR zone? There isn't one. I am not an attorney, but I would think there would be a number of Prop 207 claims if the City does not clearly provide a path for the existing zoned properties to develop under their old zoning classifications, including the PAD Overlays. I struggle with the concept that the properties that are currently zoned with a PAD Overlay automatically become a new PAD District. So far, this draft has not adequately addressed what happens with the zoned properties with PAD Overlays.	Existing PAD's will continue to operate under their approved entitlements, including those established in the applicable adopted PAD Ordinances, and the underlying Zoning Districts regulations unless otherwise modified by the already adopted PAD Ordinance. Any modifications to the existing entitlements after a new Zoning Code is adopted, shall comply with the provisions of the new code. The current zoning map does not designate the existing PAD's and labels the properties as the underlying zoning districts. The new map will identify the PAD's by Ordinance # and possibly PAD name for easier reference. Ideally, the future interactive web based map and code will link to existing PAD ordinances applicable to the property.	
	115	Pg 3, Intro.	Why are 'design' permits in the Zoning Code? They should be in the Subdivision Regulations Code.	Good point; in the body of the module, there are no "design" permits.	
	116	Pg 4, Review Authorities	The role of the Development Services Director is more than just the Planning & Zoning. The position also manages engineering, transportation, flood control, plan review, permitting, public works, etc.	Valid point, which can be noted in Definitions.	
	117	Pg 5, Common Procedures	Neighborhood notification process for larger projects & projects approved without a hearing will be noticed prior to final determination– Notice of Pending Action. Why? Is this required by State Statute? If not, then disagree that Maricopa should add another layer of regulation/ red tape.	As previously noted,whether to include the provision on Notice of Pending Action would be a policy decision which is not necessarily creating another regulation or red tape. It is simply providing information to residents, consistent with the idea of open government.With electronic communications, it could be done quite easily. For citizen participation, the revisions will simply carry forward Ordinance 07-01, Citizen Participation Requirements, with editing for consistency with the Code Rewrite.	
	118	Pg 6, Development Review Permit	Why are Development Review Permits in the Zoning Code, rather than the Subdivision Regulations or is this specifically for site plan review and approval? Are these permits in addition to the permits required in the Subdivision Regulations? Residential subdivision design and permitting should be a part of the Subdivision Regulations. Zoning Code regulates 'use of land and/or structures' and Subdivision Code regulates the 'subdivision of lands and infrastructure improvements' (i.e. grading, water, sewer, drainage, streets, sidewalks, trails, other utilities, etc.) Please provide distinction between Development Review Permits under the Zoning Code and Improvement Plans & Construction Permits reviewed and approved via the Subdivision Regulations, see Section 14-7.	These staff-approved discretionary permits are intended for site plan review and approval and will be integrated with this required by the Subdivision Regulations so there is consolidated review. The requested distinction will be added.	

	119	Pg. 6 & 7, Planned Area Developments	Existing PAD Overlays – grandfathered. What about properties that have already been zoned & do not have a PAD Overlay? Are they grandfathered? Adjusting street alignments to meet RSRSM or other City requirements & changing drainage channel alignments, as long as Director approves, should be included in the list of non-substantial changes, first bullet point. For schools, why restrict to ‘no reduction in site size or classroom space’? Doesn’t make sense, let school District decide. Why not allow these minor changes to the new PAD District as well? Housing diversity – does this apply to the current PAD Overlays or the new PAD District? Problems will occur if you require this change to the existing PADs because they already have diversity criteria to meet. Residential developments are driven by the housing market. Hence, we should avoid dictating the 20% larger and 10% patio/cluster.	Existing zoning will transition to new zoning as shown on a new Zoning Map. The alignment changes can be added to the list, and on schools, we can defer to the District's determination, which should be in writing for the record. We also agree with a consistency requirement for both existing and new PADs. Finally, the diversity requirement will be the subject of a Task Force discussion.	
	120	Pg 7 & 8, Policy Questions	Please provide a list of names of communities and jurisdictions where best practices were obtained. Please provide to the Task Force Members copies of the current ordinances (code) establishing the Planning and Zoning Commission and the Board of Adjustment and copies of the State Statutes regarding these entities. Please also highlight the specific changes or revisions to those ordinances that are being proposed with this Module 2.	Peer communities considered in looking for best practices include Gilbert, Mesa, Phoenix, Tempe, and Queen Creek. For some specific subjects we have looked at Casa Grande and Florence ordinances, as suggested by Task Force members. City staff can provide the requested copies of those ordinances and statutes to those who want them; printing all of this information for all Task Force members may not be necessary.	
	121		A. P&Z Commission – good idea on qualifications for two members to have design related experience		
	122		B. Hearing Officer – Board of Adjustment – As the appeal body it must evaluate how the Development Services Dept. does business, how decisions are made, what processes are used. Their decisions set precedent and can establish new policies and procedures? This sounds like the Board of Adjustment is over the Development Services Dept., which is not the case. This type of power is not given to the Board of Adjustment in the State Statutes, rather the City Council must first grant that power via Ordinance. Will the Zoning Code Rewrite require amendments to the current Board of Adjustment ordinance? If so, please highlight the specific proposed changes/amendments.	The Code Rewrite will amend the current Board of Adjustment ordinance and the power they then will have will be conferred by the City Council as a result of adoption of the new Code. This is permissible under State statutes.	
	123		C. Heritage Areas / Redevelopment Areas – Okay with HD Advisory Review Board’s review of Development Review Permits	Others have suggested that it may not be advisable to codify roles and responsibilities of this Advisory Board at this time.	
	124	Pg 8, D. Notices	D.3. Notices for Minor Permits – What is a “traditional” notice? Please define. Why are we thinking all of these additional permits, if we are simplifying and streamlining the zoning code? Additional Zoning, Minor Use and Minor Development Review Permits requirement and requiring public noticing, when it is not required by State Statutes, seems over reaching and counter to the goals of streamlining and simplification. Please provide justification for these additional permits and noticing requirements. The more complicated this ordinance becomes, the harder it will be for the staff and the public to figure everything out. Can we please have this as a topic for the Task Force to discuss? Please also see Gammage & Burnham comments from a legal perspective.	Task Force Discussion Issue. Public notice is not necessarily inconsistent with streamlining. We are really proposing only three types of permits: an administrative check off or zoning clearance/over-the-counter, an Administrative/Minor use Permit - staff responsibility and a P&Z Issued Conditional Use Permit. Waivers and appeals are forms of relief not currently provided, and Development Plan Review is a relaxing of the current Council approval requirement for site plan review done today for all non-single family building permits.	
	125	Pg 8, E. Revocation of Permits	E. Zoning cannot be revoked by the Director. Per State Statute the City Council must notice the property owner and hold a public hearing before making a decision to rescind the zoning on a property. Please provide examples of instances where any of the new permits contemplated in this rewrite would constitute grounds for a revocation. What is the purpose and justification for the Zoning Permit? The existing Zoning Code does not require a Zoning permit, nor is it required under the State Statutes. If a zoning permit is revoked that does not mean that the approved zoning on the property is rescinded. Zoning can only be rescinded by City Council action. Please provide reasoning for this 'zoning permit'. What is it intended to accomplish? Can we please have this as a topic for the Task Force to discuss? Please also see Gammage & Burnham comments.	This section does not suggest that a zoning designation can be revoked; it only states that when conditions of approval of a permit or a term of permit are violated, then revocation proceedings can be initiated by the original decision-maker. A public hearing would be held and findings are required to sustain a decision to revoke a permit. This is a procedure similar to that used in the City of Tempe. Revocation of a permit would have no effect on the underlying zoning. It is intended to be an enforcement tool, nothing more.	
	126	Pg 8, F. Temporary Use Permits	F. Is a 'Notice of Approval' the same as a 'traditional notice' (see D.3. above)?	In a general sense, yes.	
	127	Pg 8, G. Major and Minor Permit Thresholds	G. Please explain the difference between this proposed 'Development Review Permit' in the Zoning Code and the existing permits that are required via the Subdivision Regulations. Are you proposing that there will be two layers of permits, one for design review and one for construction? Are they not one in the same?	These procedures would be the same when a subdivider is applying for a development review permit. This will be clarified.	
	128	Pg 9, B. Duties & Powers	B.1.b.(2) What is a Planning Code map? Should this be Zoning Code map?	Yes, will revise terminology to be consistent	
	129	"	B.1.c.(4) Planned Area Development and Plans - does this refer to the PAD zoning district or the Planned Area Development as it is defined in the Subdivision Regulations, Article 14-3 and 14-5? They are two different things, one is a zoning district and the other is a type of subdivision. Please clarify. This will be confusing if there is not a distinction provided between the two terms.	The reference her is the to the PAD zoning district; the Code will be clarified.	
	130	Pg 10, D. Appeals	Should this be the Pinal County Superior Court?	Yes.	
	131	Pg 10 -12, 501.03 Planning & Zoning Commission			
	132	A. Creation and Purpose	The P&Z does not have 'final decision making power' on all aspects of a proposed development. Zoning cases and major amendments to those zoning cases are Legislative actions decided by the City Council. In addition, Final Plat approvals are also approved by Council. Please review State Statutes and comments by Gammage & Burnham.	This distinction will be made; we have reviewed the comments by Gammage & Burnham. We agree with many of those comments and will be making revisions accordingly. A close reading of draft text is always welcome.	
	133	B. Duties and Powers	See comment 6 above - Please provide to the Task Force Members copies of the current ordinances establishing the Planning and Zoning Commission. Are the provisions in this section consistent with the existing Code covering/establishing the P&Z?	City staff can do this for those members who specifically want to read existing ordinances. As noted in the document, establishing specific qualifications for P&Z members would be a new provision.	
	134	B. 1.(b)	Should this be Zoning Code map, rather than Planning Code map?	Yes.	
	135	B. 2. Final Decision Making Powers	Please see comments 4, 6 & 18 above and Gammage & Burnham comments. Do not believe all of these final decisions can be made by P&Z.	We believe that under the Code Rewrite, the Council can delegate some specific responsibilities to the P&Z Commission and these decisions can then be final at the Commission level. The P&Z would not make legislative decisions on rezoning, but could make final decisions on Conditional Use Permits, for example.	

	136	"	B.2.(c) Please define what a Major Development Plan Review Permit is and distinguish the difference between this permit and the Subdivision Construction Permit required in the Subdivision Regulations.	This distinction will be made and the Code will not specifically identify opportunities for consolidated review and decision-making. IN short, Major Dev. Plan Review is for review of a project in connection with the pursuit of a Building permit or rezoning should specific development plans be available. Not all major developments require a "Subdivision Plat" prior to construction, and this is a separate process, but accomplishes similar goals to provide and coordinate infrastructure design and adequate facilities.	
	137	B. 3. Recommendation Powers	B.3.(f) Planned Area Developments and Plans - Does this refer to the PAD Zoning District or the Planned Area Development type of subdivision identified in the Subdivision Regulations - see also comment 15.	The PAD zoning district, not the Subdivision Regulations, though both Zoning & Subdivision Code PAD criteria need to be consistent and complimentary	
	138	"	B.3.(g) Development Agreement - Most often Development Agreements are negotiated between the City's attorney and City staff and the developer and its attorney. In some Cities in Arizona, City Councils have approved a 'boiler plate' Development Agreement that all projects requiring a DA must utilize. I have done numerous Development Agreements in various cities in Arizona and have always gone directly to the City Council for approval. What is the justification for the P&Z having the power to recommend approval, continuance, denial or approval with additional conditions of these Development Conditions?	There may be no need to involve the P&Z Commission. City staff is reviewing draft provisions for Development Agreements and their recommendations will be shared with the Task Force when ready.	
	139	"	B.3.(h) Under Recommendation Powers, Last sentence - Violation of any P&Z Commission condition shall be a violation of this code. This would only be true, if City Council approved the P&Z recommended 'conditions'.	This statement is valid if the P&Z is granted final decision-making authority for Conditional Use Permits, which would not involve the City Council at all.	
	140	C. Organization	C.1. No member shall serve more than two complete consecutive terms. Is this a requirement in the State Statutes? If not, please explain the reasoning behind the two term limit. This is an appointed position and not an elected position. If a Council member believes his/her selected Commissioner is doing a great job, why limit to only two terms? Why wouldn't vacancies be appointed by the individual Council member, rather than the entire City Council?	Task Force Discussion Issue. A term limit is not essential and could be removed. Vacancies also could be filled by individual Council members.	
	141	"	C.4. Are there rules and procedures that have already been adopted? If so, please provide a copy to the Task Force.	City staff will do this if available and requested by individual Task Force members.	
	142	"	C.5. A quorum consists of four members, but a staff member is authorized to act as an alternate member... if there is not a quorum. I have never heard of this before. Is this allowed under the State Statutes and are there other cities in the Valley that allow a staff member to step into a roll of a Commissioner when there is not a quorum? Please define 'staff member'.	Will be revised to eliminate the alternate provision.	
	143	D. Appeals	The appeal to City Council is only on the Final Decisions defined in Section B. 2. and not the Recommendations in Section 3, correct? Please clarify.	Yes.	
	144	Pg 12-14, 501.04 Board of Adjustment			
	145	B. Duties and Powers	See comment 6 above - Please provide to the Task Force Members copies of the current ordinances establishing the Board of Adjustment. Are the provisions in this section consistent with the existing Code covering/establishing the BoA? Also same or similar comments identified above under P&Z Duties and Powers.	See responses above. The module proposes some delegation of authority to a Hearing Officer.	
	146	C. Organization	Same comments as in 25 above.		
	147	"	C.5. Same comment as in 26 above.		
	146	"	C.6. Same comment regarding a 'quorum' as in 27 above.		
	149	Pg 15 & 16, 501.06 Hearing Officer & 501.07 Zoning Administrator	Please verify that everything under these two sections are consistent with the State Statutes.	Will do	
	150	Pg 16, 501.08 Heritage District Advisory Committee C. Organization	Do you have to be a resident of Maricopa to serve on this committee? How many members? Are there term limits?	This clarifications will be made if this Committee is retained; there has been a suggestion that it not be a codified advisory committee at this time, pending Council direction.	
	151	Pg 17, Technical Advisory Committee	Are the duties and powers and organization of the TAC defined anywhere else in the City code? If so, please provide a copy to the Task Force and identify if there are any differences or proposed revisions between the existing and what is proposed here.	The duties of these committee are intended to be those of the Subdivision Technical Advisory Committee with added oversight for zoning requirements.	
	152	Pg 17 & 18, Other Agencies	C. Please add "Arizona State Land Department" to this "Other Government Agencies".	OK.	
	153	Pg 19, Table 501.11 Review Authority	General comment for entire table - please explain for the Task Force what permits are required currently in the zoning, site plan and subdivision process and what additional permits are being proposed under this new code. All of the additional permits (zoning, use & design) appear to conflict with the goals to simplify and streamline the zoning code and create a 'light touch' on regulations. Please explain/clarify the intent.	Task Force Discussion Issue. We believe this proposed process has been simplified because less direct Council involvement in discretionary permitting is envisioned.	
	154	"	Are Conditional Use Permits currently approved by City Council? If so, is that because they require legislative action? What do the State Statutes require regarding conditional uses?	Conditional Use Permits are discretionary, and do not involve legislative action. As such, they can be delegated to the P&Z for decision-making; this is permissible under State statutes and is done in peer communities.	
	155	"	Under Development Review Permit - Major, what does (5Ks/f+) mean?	5,000 square feet and above.	
	156	"	Planned Development Districts - should Planned Area Development Districts.	Yes	
	157	"	How will projects that are zoned under the existing zoning code be handled with regard to the various additional permits? Example - will zoned property with a PAD overlay that currently is not required to have a Zoning Permit be required to apply for and obtain a Zoning Permit? There are similar questions with regard to the Minor Use Permits and Development Review Permits, which are currently not required. Will the new permits be required for existing zoned properties that are in varying stages of entitlement and development or will they be exempt? If applicable to the existing zoned and/or partially developed projects, please explain how this will be implemented.	The new Code will establish "Rules for Transition" based on best practices. One model, for reference, is in the Town of Gilbert's Code, while has rules for 1) projects with approvals or permits, 2)planning applications filed prior to the effective date of the Code, 3) development projects within existing PAD Overlay Zoning Districts, and 4) planning applications filed after the effective date of the Zoning Code. We will strive to address all of the concerns raised.	
	158	Pg 20, Article 502 Common Procedures			

	159	502.02 Application Submittal & Review	B.3. Availability of Materials - Are there specific instances where certain materials would not be made public because of a private or protected nature? Can you check with the City's legal department? One of the items that comes to mind are Development Agreements. Also, is this information only made available via a Public Records Request?	All information submitted as part of an application is part of the pubic record under Arizona law, so any materials that are subsequently considered at a public hearing would be made public. This includes Development Agreements. City staff can respond to the question about whether a Public Records Request would need to be made for archival matter not part of public meeting agenda packets.	
	160	Pg 21, 502.03 Preliminary Review Process	B. Is it really necessary to make the Preliminary Review mandatory? There may be some instances where it is not necessary. D. 30 "business" days - Are business days defined using the typical definition of five days a week (Mon-Fri) excluding Holidays or since the City is closed on Friday's is the definition 4 business days a week?	We agree that preliminary review may not always be warranted and so will add provisions allow the Director to waive this requirement upon determining that no useful purpose would be served. Introductory provisions will address "business days" and clarify the point raised.	
	161	Pg 22, 502.04 Review of Applications	B. and D. are both called Complete Application - Can these two items be combined or can one be given a different title?	As noted previously, "D" will be re-titled "Record Date for Complete Application" which is important for SB 1578 compliance.	
	162	Pg 22, 502.05 Neighborhood Notification & Meetings	A. Neighborhood Meeting/Citizen Review/Citizen Participation Plan under the State Statute is required for rezoning and specific plan applications that require Public Hearing. Why does the draft code require neighborhood meetings for the 1 thru 9 items listed that do not require public hearing? Please provide justification and intent. Please provide Task Force with copy of existing code (see attached) on Citizen Participation Requirements (Ord. 07-01) and identify the differences being proposed in the new code. Is it intended that 502.05 would replace the Ordinance 07-01? If so, can we use the text from the existing Code, Article 16-4-1, Purpose of Citizen Participation Plan, Items B. 1. through 3. and C.? If not, please explain why this is being changed.	As note previously, this section will be revised to reflect ARS requirements specifically, and we will bring forward existing requirements, edited as appropriate for the Code Rewrite.	
	163	Pg 25, 502.06 Notification	B. Applicability, item 2. What is the justification/thinking for requiring the Notification on Pending Action that do not require Public Hearing, i.e. Zoning Permit, Minor Use Permit, Temporary Use Permit, Minor Development Review Permit, etc. This additional notification requirement is not currently required under the existing zoning code or the State Statute. This appears to be over regulation and will create a substantial amount of additional work for staff, as well as additional work, cost and time for the applicant. Where is the goal of simplification and streamlining in this? Will this be a requirement for existing zoned properties that are in varying stages of entitlement and development or will they be exempt? If applicable to the existing zoned projects, please explain how this will be implemented. Can we please have this as an item for the Task Force to discuss?	We respectfully disagree with the characterization that a simple notification is over-regulation. The goal is an informed citizenry and open government, and we do not see this as necessarily over-reaching or costly in an age of electronic notice. It will apply to projects in process and future development under the Rules of Transition noted above.	
	164	Pg 27, C.3. b.	Size Requirements for Posted Notices - Where did the size requirements (36" x 48" and 24" x 36") come from?	City staff recommended these size requirements.	
	165	Pg 27, C. 4. b.	Posted Notices required in <u>at least 10 public places</u> in the municipality - is this a requirement of the State Statutes? If not, where did it come from?	City staff had endorsed this provision; it can be changed.	
	166	Pg 27, D. 4.	Where does the requirement that a complete application and project file must be provided at the public meeting for public viewing come from? Typically, even for projects requiring public hearings, visual aids and perhaps a hand out identifying pertinent aspects of the proposed project were all that were provided. Where is this requirement in the State Statutes and the existing code? Please explain under what circumstances an 'environmental impact assessment' would be required for the list of applications covered by this section.	This section will be revised to clarify that the information in the Agenda packet, such as a Staff Report and Project Plans, that will be considered by the decision-making body be available for public review. This is normal for any public hearing. Reference to an environmental impact assessment will be deleted as over-reaching and unnecessary.	
	167	Pg 29, Table 502.06 Notification Requirements	Same comments as in 45 thru 49. If a property has just been zoned and hence has gone through the full neighborhood meeting process and public notification and hearings, why doesn't the zoning approval constitute the 'zoning permit'? Why is an additional step of requiring a separate "Zoning Permit" and additional Notice of Pending Action with additional Neighborhood meeting necessary? Again, what happens to existing zoned properties that are not required to obtain a zoning permit? See also comment 4 regarding Development Review Permits.	No additional neighborhood meeting will be required if that process has been completed. The "zoning permit" only a counter check-off prior to building permit approval when no other discretionary permits are required. Existing properties for which no planning/development or subdivision applications have been submitted will be subject to the provisions of the new Code.	
	168	Pg 31, bottom of Table 502.06	Planned Development Districts - should this be Planned Area Development Districts? Please explain the process that the existing zoned properties with the PAD Overlay will become a PAD District, i.e. does the owner have to apply for the PAD District? If so, what is that process? If the intent is that all of the zoned properties with PAD Overlays will become PAD Districts with the Council approval via ordinance of the new Zoning Code, how will the property owners be notified of this change in zoning classification and what if a property owner does not want to change to the new PAD Zone District?	Yes it should; The "grandfathering" will not mean a new application. Again, the Rules of Transition will address this issue. There will be notice of proposed adoption of the new Zoning Map, and procedures for submitting written comments and presenting oral comments at public hearings.	
	169	Pg 32, 502.09 Ex-Parte Communications	It is not unusual for an applicant to meet with a Council member on a zoning case. Meeting with individual Council members has never been considered improper nor has public disclosure and write up of the meeting been required. Where is this coming from? Please also refer to the Gammage & Burnham comments.	We agree that such meetings are often helpful and no impropriety is suggested. All that is being requested is disclosure that the meeting occurred, which is not unreasonable. No confidential or proprietary information needs to be described or submitted for the record.	
	170	Pg 33, 502.10 Findings Required	Decision making body will make 'findings of fact'. Please describe what is meant by 'findings of fact'. Please also see Gammage & Burnham comments related to Council actions.	The reference to findings of fact is limited to a discretionary permit or discretionary approval, not required for a legislative act. This requirement is intended to cover normal subjects of a staff report and determinations that the standards of the Code are being met. Findings of fact are required in peer communities; see, for example, Town of Gilbert Code Section 5.207.	
	171	Pg 33, 502.11 Conditions of Approval	B. <u>Contract for Conditions</u> - Is this same thing as a Development Agreement? If so, please call it a Development Agreement. If it is not the same thing, then please explain what is meant by a Contract for Conditions and provide examples of when it would be required. Please also review Gammage & Burnham comments on this subject and review state statutes to make sure this provision is not in conflict.	Conditions of approval are not Development Agreements. This provision does not conflict with ARS and reflects practices in peer communities. Gilbert, for example, refers to a "proposed use, as conditioned..." , while Tempe lists in Section 6-308 that Use Permits may be subject to conditions "deemed applicable" including limitations on house of operation, requirements for design features or landscaping or screening, designated access points, additional setbacks, and limitations on building height, size or lot coverage.	

	172	"	D. <u>Failure to Fulfill Previous Conditions</u> - Please provide examples of this, so the Task Force can better understand when this might occur.	As an example, suppose a refuse collection are was to be screened from view and then a subsequent application was submitted for another building on the site. If the screening had not been done, this would constitute a failure to fulfill a previous condition. The decision-making body might then withhold approval until it receives assurances that the screening will be installed.	
	173	Pg 34, 502.12 Effective Dates	If an entity does not plan on appealing a decision, why would the approval not become effective right away? This will just create unnecessary time delays. See also Gammage & Burnham comments on this subject.	We agree, and will revise the text accordingly with the provisos noted in previous responses - that there is a risk, which the applicant should recognize.	
	174	Pg 35, 502.14 D. Decision of Revocation	2. Does this apply to zoning approval and the zoning permit? Often times, especially in our cyclical economy, it takes more than two years to obtain the necessary approvals and permits before construction can start. Why would the City want to place this restriction on the development community? Can we have this as an item for the Task Force to discuss?	We can eliminate the time period as a basis for revocation.	
	175	Pg 35-37, Table 502.15 Appeals	Please define working days. Is it 5 days a week or only the 4 days a week that the City is open for business? It should be 5 days a week, except holidays, regardless of whether the City is open on Friday's or not. Otherwise, 4 days are lost every month because the City is not open for business. Sometimes the term "business days" are used and sometimes "working days". Is there a difference? If not, the entire document should use the same terminology.	As noted previously, this will be done in the Introductory Provisions.	
	176	"	If Zoning is approved by Council, why isn't the Zoning Permit issued by Council? Still do no understand the need for the Zoning Permit. What purpose does it serve?	These are separate actions. A rezoning is approved by the Council; a Zoning Permit is an over-the-counter ministerial action.	
	177	"	Do not understand what a <u>Development Review Permit</u> covers in relation to the Subdivision Regulations on residential development.	This will be clarified.	
	178	"	Also, if the Planned Area Development becomes a Zoning District, rather than an PAD Overlay, why the 30 working days for Appeals? Is there a required Planned Area Development District Zoning Permit?	There is no PAD District Zoning Permit, per se; approval and appeal time periods will be established to conform to SB 1598 and statutes for ordinance adoptions.	
	179	Pg 37, 502.16 Interpretations and Determinations	<u>All requests</u> for interpretations and verifications shall be made in writing. There are often times that a question related to a provision in the zoning code or a Condition of Approval is raised and a simple phone call or email back and forth will suffice to answer the question. Why the requirement that everything must be submitted in writing? Can the Task Force discuss this please?	Task Force Discussion Issue. This provision is not intended to limit telephone conversations, but if a formal binding interpretation is needed, it must be in writing. If written determination is requested, it makes sense to have that request made in writing (by email or by a counter form) as City currently requires. Requests for interpretations and verifications often have important economic and legal implications so it does seem reasonable to ask that they be submitted in this fashion. As well, they require staff time and documentation including City Clerk processing. Fees are also necessary to recoup City expenses.	
	180	Pg 38, Article 503 Zoning and Use Permits	Zoning Permit - see comment 59. Is the Zoning permit issued at the time of zoning approval or are you saying that each individual use on a property that is zoned requires a zoning permit. When is the zoning permit required, before a construction permit is issued? If so, then why doesn't the construction permit suffice? The current zoning code does not require a zoning permit. What has changed that now necessitates a zoning permit? Does the zoning permit require a separate application and fee from the zoning application?	The zoning permit is a form of "zoning clearance" before a construction permit; nothing more. It will streamline the process and avoid exacting the Building Official to make determinations of zoning consistency,	
	181	Pg 39, 503.04 Zoning Permits	B.1.c. A zoning permit request may be directed to be heard by the P&Z if the requested use is not consistent with the General Plan. What is the purpose of going through the zoning approval process to then find out at the time of zoning permit that the use is not consistent with the General Plan? In addition, there are properties that have approved zoning in Maricopa that are not consistent with the General Plan Land Use Map. These properties were zoned before the General Plan was adopted. Hence, the General Plan Land Use Map should have reflected a compatible land use to the approved zoning and is currently in error. These zoned properties supersede the General Plan Land Use Map. When the General Plan is updated the land use map will need to be revised to reflect the actual zoning land use.	Council direction for the Code Rewrite is to make the Code and the Zoning Map consistent with the General Plan as an implementation action. A subsequent General Plan Update is planned to be initiated in 2014 and this Update can address whether General Plan Land Use designations are "in error". For purposes of this Code Rewrite, the direction provided by the General Plan Land Use Map is assumed to govern, but details on what zoning is consistent with the Plan designations still need to be worked out.	
	182	"	D. Conditions - A zoning permit may have conditions of approval imposed. When a property is zoned Conditions of Approval will be imposed. Are you saying that there will be Additional Conditions imposed on the property with the approval of a Zoning Permit?	The Code Rewrite will clarify that conditions of approval can only be imposed as part of a n approval of a discretionary permit in order to make the required findings.	
	183	Pg 40, 503.01 Required Findings	Is a Zoning Permit a Use Permit? If yes, then I am still trying to understand the significance and purpose of requiring the zoning permit after the zoning is approved by City Council and tacking on all of these additional criteria "Required Findings" in order to obtain the zoning permit. Shouldn't the "Required Findings" be done at the time the property is zoned, rather than later when trying to obtain a zoning permit? Perhaps I am missing something here, but this is not 'streamlining and simplifying' the code. This is making it more complicated.	Again the zoning permit is only a counter-level check off to determine whether project plans conform to zoning. Project-level plans may have been refined since a rezoning was approved by the Council and this process will enable to City to quickly sign off on these plans before the construction permit approval process begins.	
	184	"	E. <u>Adequate public services and facilities and infrastructure are available to serve the proposed project.</u> This could be construed/interpreted a number of different ways. What if facilities and infrastructure are planned as a part of the project but not yet constructed? Please better define and explain the intent with this statement.	Module 3 will have provisions for determining whether adequate public services and facilities are available to serve proposed development.	
	185	Pg 40, 503.08 Conditions of Approval	Same comment regarding Zoning Approval and Zoning Permit - Will there be conditions of approval on the Zoning Case and then a second set of conditions of approval on the Zoning Permit? Can you please give some examples?	As a rezoning is a legislative act, it normally would not be "contract" or conditional zoning. The conditions of approval would apply to the underlying development proposal and a two stage process, with two sets of conditions, is not envisioned. Section 503.08 will be revised to eliminate reference to the Zoning Permit.	
	186	Pg 42, 503.11 Expiration & Extensions...	A. A zoning permit expires? The zoning approval on a property does not expire. Once a property is zoned it remains zoned unless the City Council rescinds the zoning through the public notice and hearing process. What is the purpose of the zoning permit expiring, if the zoning does not? Please give an example to assist in understanding this provision.	The time limit for a Zoning Permit will be deleted.	

	187	Pg 43-46 Article 504 Development Review Permit	How does residential single family homes fit into this permit process? Please explain how this if different, when applied to a residential project, than the Subdivision Regulations? Is the Development Review in addition to the standards and procedures outlined in the Subdivision Regulations? What additional Development Review is contemplated that is not addressed in the Subdivision Regulations? Please be specific. Why is this necessary? Is there redundancy? Are there conflicts?	Again, the intent of the Code rewrite is that these two sets of procedures could be consolidated if the subdivider were the home builder. If a subdivider only intended to sell lots to custom builders, then subsequent site plan review would be required. Redundancy will be eliminated, but instances where a sequential process, with different owners of land, may occur may need to be recognized.	
	188	"	In addition, any commercial, industrial, multi-family or mixed use project that requires a site plan already must go through the City's review and approval process before obtaining permits for construction on the site, whether that is grading, underground utilities, streets, parking, signage, buildings, etc. What purpose does the new development review permit serve beyond what is already being done under the existing code and review/permit policy. Why is this necessary?	The Code Rewrite will clarify that this is simply the normal process already in place, but not codified in the zoning regulations.	
	189	"	C. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed. Please explain what aspects of design are not addressed in the current codes? What are you wanting to control? Please be specific.	The intent here is to establish the purpose for the "Scope of Development Review" as described in Section 504.06, nothing more.	
	190	Pg 43, 504.03 Application Requirements	So there is now an application and fee required for this Development Review Permit, which is in addition to all of the other applications and permits that are currently required? I'm sorry, but this is not 'streamlining and simplifying'. This is the opposite with more paperwork, more fees, more time delays, more cost, more complicated steps, more government regulation and red tape. This in not the direction the Task Force was led to believe this code was going in. Are all of these additional permits really necessary? Can the Task Force have this as a discussion item, please?	Task Force Discussion Issue: Whether a formal development review process should be codified that is integrated with normal review already undertaken as a means of ensuring that Code standards are met by proposed site plans and building plans prior to construction permit approvals?	
	191	Pg 43 - Footnote at bottom of page 43	I agree that specific application requirements for the various permits should not be included in the zoning code. However, I would like the Task Force to review the various permit application forms and checklists and this should be done before the Zoning Code is finally adopted by City Council. Can we have this as a topic for the task Force to discuss?	City staff is unlikely to have these forms completed until after the Council acts as what these should address will not be known until the Code is adopted. Task Force review of administrative forms and checklists was not contemplated as part of the Task Force's charge by the City Council.	
	192	Pg 44, 504.04 Minor Development Review Permit	C. Conditions - typo. This should read A 'Minor' rather than 'Major' Development Review	OK.	
	193	Pg 44, 504.05 Major Development Review Permit	B. In the second sentence, what does the statement "a Major Development Review Permit may require that the existing development site be brought into substantial conformance with the terms of this code " mean? Please give examples and be specific on what the intent is.	If the Code requires screening or outdoor refuse or recycling facilities, or a limitation on fence heights in front or corner side yards that are affected by driveway visibility standards, that it would be reasonable to expect that some screening or reduction in fence heights be done to achieve "substantial conformance". The idea is to ask for what may be reasonable, recognizing that exact conformance may not be possible.	
	194	Pg 44, 504.06 Scope of Development Review	Aren't all of the items A through I identified on this design list already reviewed as a part of the 'site plan' review and approval? Again, how does this relate to single family residential projects and the Subdivision Regulations?	This is the logical place to list these items; we are simply codifying what is already expected to be covered. The relationship to single family development review requirements and the Subdivision Regulations will be clarified.	
	195	Pg 45, 504.07 Required Findings	To obtain Development Review approval (and hence the permit) all of the criteria listed must be satisfied to the extent they apply. What does that mean? Can we be more specific as to when they apply and when they would not? Otherwise, the statement is too open ended.	We think the meaning is clear. If a project, for example, has no trails or outdoor areas in the vicinity per the adopted City plans and policies, this finding would not apply.	
	196	"	F. What is meant by 'activity centers'? Is this term used anywhere else in the code? Please provide definition or remove.	We will define or remove.	
	197	"	I. "The project has been designed to be energy efficient including, but not limited to, building siting, and landscape design. For purposes of this criterion, buildings that meet LEED Silver or equivalent third-party certification are considered to be energy efficient and no higher standard shall be used." Can we have someone from the private sector, who is LEED certified, speak to this requirement and discuss implications of added cost and effectiveness?	Since this module was completed, we learned that the City has adopted the International Energy Conservation Code. Within that in mind, Finding (I) can be eliminated.	
	198	"	J. What does 'maximizes the quality of life for occupants of the site and surrounding buildings' mean? This is very subjective, what one persons thinks maximizes his/her quality of life could be completely different than what another person thinks. Hence, the reviewer of this criteria could have a particular view that is contrary to the designer/architect. What does loss or interference with solar access mean? I would rather that we avoid these subjective type of criteria in this code.	We agree that Finding (J) may be too subjective, so we suggest it be eliminated.	
	199	Pg 46, Article 505 Variances	505.02 No variance will be allowed for altering the "height of a structure". What about increasing the height of a fence from 6' to 7' or even 8' fence. Variances are granted all the time for this situation.	This option will be allowed and the text will be revised accordingly.	
	200	Pg 48, Article 506 Waivers	506.02 Where did the list of dimensional requirements come from, i.e. what city and in what state?	These dimensional requirements are proposed specifically for Maricopa as a way to limit staff discretion unless a waiver is needed specifically for a "reasonable accommodation" under State and federal law. The Task Force can adjust these requirements to fit expected needs.	
	201	Pg 51, Article 507 Amendments to General Plan	507.03 Public Notice and Review Procedure - For clarification purposes please insert the word "major" after the words 'General Plan' and before the word 'amendments'.	OK.	
	202	Pg 53, Article 508 Amendments to Zoning Map and Text	508.05 B. Remove the words "General Plan or any Element thereof" and replace with "Zoning Map and/or Code".	OK	
	203	Pg 54, 508.06 B.	B. Protested Applications.... Please verify that this provision is consistent with (has not be altered from) the State Statutes.	Will do.	

	204	Pg 55 - 61 Article 509 Planned Area Development	This is a zoning district correct? If so, it should be called "Planned Area Development District".		
	205	Pg 55, 509.02 Applicability	Procedures apply to proposed new PAD Districts and to pre-existing PADs approved under the prior code. This is a legal question, but what if an existing Zoned property with a PAD Overlay does not want to switch to the new PAD District? Can the City with this new Code force that to occur? I would think a forced switch to the new PAD District would require a separate public notice and public hearing with City Council with a rescinding of the old underlying zoning districts and PAD Overlay and approval of the new PAD District. What happens if the property owner opposes the change in zoning? How can the approval of a new zoning code take away or remove an existing zoning approval, i.e. in this case underlying hard zoning with a PAD Overlay? What happens to the Council Resolution approving the zoning case and the list of stipulations (now referred to as Conditions of Approval)? Are all the new criteria and requirements of the new Zoning Code applicable and enforceable? I have not ran across this situation until now. In my experience when a City/County rewrites their zoning code, the old zoning districts and applicable regulations remain intact for the existing zoned properties and the new code and regulations apply to properties zoned after the adoption of the new code. If an existing zoned property proposes a change that constitutes, per a clearly defined list of parameters/criteria, a Major Amendment, then only the portion of the property that the change is applicable to must conform to the new Zoning Code. The balance of the property with its prior zoning approval complies with the prior zoning regulations. If a minor amendment is required and approved administratively, the prior zoning code still applies. I am not understanding how the transition from prior zoned property with a PAD overlay to the new PAD District can be accomplished. <u>I would like to have the City's legal counsel weigh in on this, as well as a zoning attorney's thoughts on this.</u>	This issue will be addressed in the Rules for Transition, and property owner comments on proposed rezoning will be considered by the City Council during the public hearings on the Code Rewrite and the new Zoning Map. The new Code will note "take away or remove an existing zoning approval" and development projects with PAD Overlay zoning and preliminary development plan approvals will be able to be developed under the original approved plans, standards, and conditions of approval. If the original approvals were silent on a specific topic (a parking stall dimension, for example), then the requirements of the Zoning Code will apply. This is a reasonable and legal approach, which we understand has been used in peer communities. We agree that the new Code only applies to that portion of a project that would be subject to a Major Amendment, not the balance of the property, and that Minor Amendments need not trigger compliance with the new code for the while project. However, where old zoning districts apply to vacant land, these regulations would not be "grandfathered". New planning applications would be subject to the new Code. If an owner believes there is a diminuation of value under the new Code, Prop. 207 remedies will be available.	
	206	Pg 56, 509.03 D.	D.3. It is typically not known at the time of zoning, if the Ownership will remain the same, if the entire property will be sold off to one owner or to multiple owners, the timing of the future sale(s) or the manner and method of the division? The real estate market is ever changing and it is impossible to predict the answers to these questions. What is the purpose and justification of requiring this information as a part of the zoning application. Do the State Statutes require this information as a part of a zoning request? What affect does this have on the existing zoned properties with PAD Overlays?	D.3 will be eliminated.	
	207	"	D.6. List of required graphics to be included with PAD District application - Items b., d., e., f., portions of g., h., i., k., and l. are not currently required with properties that are currently zoned with PAD overlays. That level of detail is typically provided before or at the time of preliminary plan or site plan review. There are very good reasons for that: 1) before the zoning is approved the applicant does not know whether what is being proposed for the zoning parcels, roadway circulation, drainage, parks, schools, etc. (in other words the entire layout of the project - typically referred to as the land use plan) will have to be revised before obtaining approval; 2) requiring all of this technical and very expensive to generate information, i.e. topography typically requiring aerial photography, site plans and engineering plans requiring specific detailed engineering and architectural design, dimensioned building elevations, etc. is <u>completely unreasonable</u> . Why would the city need to know at zoning application the total bedroom count in the project? What other jurisdictions in Arizona require this at zoning application? What is the justification for needing all of this detailed and very expensive to generate graphics and design at the time of zoning application? <u>Can the Task Force have this as a discussion item?</u>	Task Force Discussion Issue: We agree with the request to reduce the technical detail in the submission requirements that is costly and over-reaching at this stage in the process. Looking at Pinal County's Code, for example, and other communities, it seems customary to request details on a proposed plan, including land use, circulation, drainage and landscaping, and to describe typical lots and school and public service impacts. Key changes to this section will include the following for each subsection noted: (b) drop references to topography and drainage flow mapping; (e) eliminate, (f) eliminate, (g) only request information on proposed number and type of lots, minimum setbacks, typical lot dimensions, and the building "envelope" (including maximum height), (i) eliminate, (k) eliminate, and (l) eliminate.	
	208	Pg 58, 509.04 Diversity Requirements	Where did the percentages come from? What if the housing market in a specific area of Maricopa does not support the attached unit or patio or cluster type of development? This is a specific product type that requires a specific buyer market. If the buyer market is not there the product will not sell and you will end up with vacant, unsellable land. Why would the zoning code want to get into dictating this type of market driven product.	The percentages came from a discussion with City staff; we agree that more flexibility to achieve diversity may be warranted, but also suggest that for large-scale projects, over 500 lots, some diversity in lot sizes is a reasonable request. While there may not be a market for attached units, a request that there be a diversity of housing types and lot sizes on a street is reasonable (and similar to what is requested in Gilbert and Chandler for example). The proposal is recognizing that to have a viable, diverse neighborhood, more than a single lot size and housing type is needed. The 2005 General Plan, as well as stakeholder comments reinforce this need. Business as usual is generating more generally the same housing with little to no alternatives.	
	209	Pg 58, 509.05 Required Findings	A. As discussed previously the General Plan is not consistent with several prior zoned properties with PAD Overlays. The Code needs to spell out how these instances will be handled.	This will be done in the Rules for Transition.	
	210	"	E. What are the "applicable adopted design guidelines"? Please define and provide the guidelines if the currently exist.	The Heritage District, for example, has design guidelines that are on the City's website. Module 3 also will include design guidelines, and these may be adopted for specific PADs and Seven Ranches as well, at some time in the future.	
	211	"	F. Who defines "superior"? This is very subjective. I would discourage this type of language. How about using 'above standard'? F.2. Why would the City need to know at zoning application the 'housing pricing levels'? F.3. Please explain the intent behind "Provision of units affordable to persons and families of low and moderate income or to lower income households." How do you intend that this would be accomplished? If my memory serves me correctly, there are Federal accounting principals (laws) that prohibit a developer/homebuilder from allocating design, infrastructure and other related costs disproportionately to the parcels and/or residential lots within the project. So how would subsidizing the low income housing at the expense of the higher income housing work? Wouldn't it be better for the City to go after State or Federal grant monies to provide or subsidize the lower income housing? I question the legality of this provision. F.8. How would the "quality of design, and adequacy of light and air to the interior spaces of the building" be proven at zoning application?	We agree with the simplification of (F) and envision that it need only say "The proposed development is above the standard that would occur under the standards applicable to the base zoning district(s)."	

	212	Pg 59, 509.07 Expiration & Renewal	A.1. Does the Ordinance creating the PAD District include the required 30-day period per the State Statutes 9-462.04 J.? What is a PAD Plan and where is this defined? Does the phrase 'development staging program' mean phasing? If so, can we please use the word phasing? I have never heard of a PAD Plan expiring after two years. Where is this coming from? What is the justification?	Yes, the Code will include the required 30-day period and it will define a PAD. A development staging program does mean a phasing plan. Expiration dates are used in peer jurisdictions. In Mesa, for example, a PAD Plan approval (not the underlying zoning) expires in two years unless actions specified in the conditions of approval are taken. Tempe similarly sets a time limit for development plan approvals (one year or as specified in a condition of approval). Extensions can be requested.	
	213	"	A.2. Please define a preliminary PAD map. Is this the land use plan? If so, then use that term. What does the 'PAD Plan expires when the preliminary PAD map expires' this mean in relation to A.1.? This doesn't make sense.	A definition will be added and the expiration provision clarified. It is intended to refer to the development plan approval, not any underlying zoning.	
	214	"	A.3. "... the PAD plan shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next." We all know that the real estate market is cyclic, hence why impose this kind of constraint on the project? The cities that worked with the development community to allow projects to move forward without having to go back through all of the applications, permits, fees, renewals, etc. are the ones that pulled out of the recession the quickest. Please explain the mindset behind this over restrictive regulation and provide justification. <u>Please also have this as an item of discussion for the Task Force.</u>	This time limit between phases will be removed, so it may not have to be a Task Force discussion issue.	
	215	"	B. What does 'has not been exercised' mean? Please explain.	"Exercising a development right" means establishing a vested right.	
	216	"	Please provide additional language that addresses what happens with the existing PAD Overlays that do not have zoning stipulations that are consistent with this section on expiration and renewals. Is the intent that the moment these existing PAD Overlays become a PAD District under the new Code that these provisions would apply? See also comments under 509.02 Applicability.	These issues will be addressed in the Rules of Transition.	
	217	Pg 59-60, 509.08 Amendments of Approved Plans	Why doesn't the new code follow the State Statutes (9-462.04 A.4.) definition of major changes in standards (Major Amendments)? Please provide justification for the more restrictive provisions. Please see below City of Phoenix and Peoria's definition of Major Amendments. Why would we not want to adopt provisions that are similar to the provisions that have worked successfully for years in these two Cities? The majority of the items identified in B. 4., 5., 6., 7., 8. and 9. would be handled as minor administrative amendments under Phoenix or Peoria's definitions. What is the justification for these items being defined as changes that are deemed as major amendment changes in Maricopa's code? <u>Please also have this as an item of discussion for the Task Force.</u>	Task Force Discussion Issue. As stated in response to earlier comments, this section will be revised to track ARS and impose no higher standard. We appreciate the references to Phoenix and Peoria and will review their provisions.	
		"	<u>City of Phoenix</u> - Zoning Code Section 636 F - An amendment will be deemed major by the Planning Director if it involves any one of the following: (1) An increase in the approved totals of dwelling units or gross leasable area (GLA) for the Planned Community (PC) District. (2) A significant change in zoning boundaries as determined by the Planning Director from those approved for the PC District. (3) Any change which could have significant impact on areas adjoining the PC District as determined by the Planning Director. (4) Any change, which could have a significant traffic impact on roadways adjacent or external to the PC District, as determined by the Director of the Street Transportation Department.		
		"	<u>City of Peoria</u> - Zoning Code Article14-36-8 - An amendment will be deemed major if it involves any one of the following: 1. A change in the overall PC District Boundary; or 2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall PC District; or 3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PC District, as determined by the Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents a ten percent (10%) increase to the approximate gross area of the development unit as approved in the PC District. 4. An increase of ten percent (10%) or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit. 5. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer. 6. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PC District or to the overall major street system as determined by the City Engineer. 7. Any other proposed change to the "Development Plan" and/or "Standards Report" which substantively alters one or more components of the PC District as determined by the Planning Manager.		
	218	509.08 B. Major Amendments	B.2. State Statues allow a 10% increase or decrease. What is the justification for only allowing a 5% increase or decrease?	This will be changed to use the 10% rule.	
	219	"	B.4. Why the restriction on changes in external appearance or use of any building or structure? Why would this change be considered major? Does this apply to both already constructed buildings and those that have not been constructed? I can see this for already constructed buildings, but not for the ones that do not exist.	This provision will be revised and refer only to an increase in the maximum building heights, nothing else.	
	220	"	B.5. Same comment as B.4. Why?	This change can be eliminated from the list.	
	221	"	B.6. Why does any change in <u>ownership pattern</u> cause a major zoning amendment? Say zoned property with a PAD Overlay has a residential component that is final platted and all of the engineering plans are approved and a homebuilder wants to buy that parcel of land, this requirement would require a major amendment to the zoning on the property in order to change the ownership. Please explain why the City would want this provision. What is the justification?	This change can be eliminated from the list.	

	222	"	B.7. Very often adjustments to the locations or configurations of open space, parks sites, school sites, etc. internal to the PAD property occur as the project moves forward with design or the municipality requires a change in the alignment of a roadway or the school district requests a change in size or locations of school sites. In addition, most often these adjustments in locations and configurations are internal to the boundary of the PAD property and hence to not adversely affect the surrounding property or adversely affect public health, safety and general welfare, so why would they not be handled administratively?	This change can be revised to follow the Peoria example: "Any change in parks, public recreation areas, or school sites that is likely to negatively impact or burden the City's ability provide parks and recreational facilities or the school district's ability to serve the future school-age population".	
	223	"	B. 8. and 9. Why would either of these constitute a 'major change' to the zoning as it is defined in the State Statutes? If a property owner desires to change the phasing and/or timing of the phases on the project and the owner can demonstrate that the appropriate infrastructure can be provided, and those change do not adversely affect the public health, safety and general welfare, why would this not be handled administratively?	These two changes can be eliminated, but the idea that a substantial change that would negatively impact or burden utilities infrastructure should be retained as a factor that would justify considering the change to be a Major Amendment. If the change would not have a negative impact, it could be handled as an administrative matter.	
	224	"	B. 11. Please define what is meant by "significant adverse environmental consequences".	This term will be defined.	
	225	Pg 60, D. Pre-existing PAD Modifications	Why would these minor modifications not also be allowed on any new PAD Districts? I'm not following the logic that in the existing PADs they would be allowed, but in the new PADs that would not be.	This suggestion, made be other Task Force members as well, is reasonable and will be considered in the Code Rewrite.	
	226	"	D.2. Why would a reduction in school site size or classroom space be considered a major amendment if the school district requested it? I have experienced several occurrences where a school district decided they did not need the reserved school site. In those cases the documentation from the school district was provided to the municipality and because the school sites had a residential zone classification, they were allowed to be developed as residential lots without having to go through the major amendment process. Please remember that in the State of Arizona the donation of school sites to the school districts is a voluntary act. It is not mandated. Often the school agreements require a fee be paid per house and/ or living unit (often referred to as a roof top fee) in lieu of a land donation.	This provision can be modified to enable the City to accept a change with school district approval. If school sites are eliminated and the school district protests such elimination, that the land use might logically be classified as a Major Amendment.	
	227	Pg 61, 509.11 Revocation or Modification of Planned Development Permit	Should the title say Planned Area Development Permit. Is this referring to the Zoning Permit or the Development Review Permit?	Yes. It refers to a Development Review Permit.	
	228	Pg 61, Article 510 Reserved for Development Agreements	Will the Task Force see this Article in the next Module?	City staff has a draft of this article and it will be included in the Code for Task Force review; it may not be in the next module if City staff has not completed their review.	
	229	Pg 61, 511.02 & .03	Does the application for Annexation get submitted to the Planning & Zoning Division or to the Development Services Dept.? 511.02 says Planning & Zoning Dept. and 511.03 says Development Services Dept.	This conflict will be corrected.	
	230	Pg 62, 511.04 Existing Uses and Structures	D. Last sentence - Wouldn't a residential development with residential zoning (typically CR-3) from the County, upon annexation have the setbacks required in the County Zone District (CR-3)? Why would we want to impose a different setback than what was approved with the County Zone District? If the residential development is already preliminary or final platted the setbacks are shown on the preliminary and/or final plat. Why would we want to change that upon annexation?	Under the Rules of Transition, a County approved project can be built under County standards, but vacant land, with no approvals or entitlements, would be subject to City standards upon annexation.	
	231	Pg 63, 512 Enforcement	B. Violation of Permit - A preliminary parcel map and preliminary tract map are not defined anywhere in the code - please provide definition. Also a parcel map and a tract map are not a permit, so why are they included in this provision? How would a violation of a permit exist with either one of these maps?	These terms are defined in then Subdivision Regulations which are not be revised by the Code Rewrite. References to these maps will be eliminated from the enforcement provisions.	
	232	Pg 67, Definitions	<i>Construction</i> - what does "..." or land together with any scientific surveys associated therewith " mean? Certainly, this does not mean the definition of "construction" includes Phase 1 Environmental Surveys or Studies, Traffic Impact Analysis Studies, ALTA or Boundary Surveys, Hydrology or Drainage Studies, Fissure Studies and/or Geotechnical Investigations all of which could be considered scientific surveys? Please remove the phrase "together with any scientific surveys associated therewith" from this definition.	The noted phrase will be eliminated.	
	232	"	<i>Development</i> - Why is "the division of a parcel of land into two or more parcels" included in the definition of "development"? This definition is mixing or trying to blend two separate concepts; one being the land development which is typically defined as the conversion of raw land into construction ready housing, commercial or industrial building sites and includes construction of various improvements such as grading, drainage, wet and dry utilities, pavement, sidewalk, etc. and the second concept being the subdivision of land, land splits or the minor land division of a parcel into one or more parcels or lots. Development typically occurs after the land has been subdivided. There should be two definitions, one for "land development" and one for "land subdivision" and both definitions should be consistent with the 'standard of the industry definitions'; should be consistent with the City's Subdivision Regulations; and the distinct definitions of 'subdivision' and 'land splits' must be consistent with the way they are defined and regulated in the State Statutes, see the specific Statutes itemized below. This definition of "development", by trying to include "the division of a parcel into one or more parcels" attempts to regulate the sale or lease of tracts or parcels that are not the result of land splits as defined in the State Statutes. Please revise definition so it does not conflict with the State Statutes.	We agree with the issue raised and will clarify the definitions and ensure no conflicts with State statutes occur.	
		"	<i>ARS 9-463 Definitions 3. "Land Splits" as used in this article means the division of improved or unimproved land whose area is <u>two and one half acres or less into two or three tracts or parcels</u> of land for the purpose of sale or lease.</i>	We appreciate the information provide on definitions in ARS and will make revisions accordingly.	
		"	<i>ARS 9-463 Definitions 10. "Subdivision" means any land or portion thereof subject to the provisions of this article as provided in section 9-463.02.</i>		

		"	ARS 9-463.02 Subdivision defined; applicability "Subdivision" means improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, <u>into four or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts.</u> C. "Subdivision" <u>does not include</u> the following: 1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots. 2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership. 3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.	A.		
		"	ARS 9-463.01 Authority, item T. The legislative bodies of cities and towns may regulate by ordinance <u>land splits</u> within their corporate limits. Authority granted under this section refers to the determination of division lines, area and shape of the tracts or parcels and does not include authority to regulate the terms or condition of the sale or lease <u>nor does it include the authority to regulate the sale or lease of tracts or parcels that are not the result of land splits as defined in section 9-463.</u>			
		"	ARS 9-463.01, item U. For <u>any subdivision that consists of ten or fewer lots, tracts or parcels</u> , each of which is of a size as prescribed by the legislative body, the legislative body of each municipality may expedite the processing of or waive the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat and may waive or reduce infrastructure standards or requirements proportional to the impact of the subdivision. Requirements for dust-controlled access and drainage improvements shall not be waived. This type of minor subdivision, ten or fewer lots, is typically referred to as a "Minor Land Division".			
		As an a example, following is what Gilbert's Code says:			We appreciate seeing the examples from Gilbert's Code.	
		Excerpt from Gilbert's Subdivision Regulations Code	Subdivision Related. Improvements. Streets, sidewalks, curbs, gutters, driveways, drainage and storm water retention facilities, parks, recreational amenities, trails, street lighting, medians, signage, water mains, sanitary sewers and facilities, public utilities, landscaping and fences installed by a subdivider, and any other improvements required by the Zoning Code and Subdivision Regulations.			
		Excerpt from Gilbert's Subdivision Regulations Code	Minor Land Division. of improved or unimproved land whose area is 2.5 acres or less into 2 or 3 lots or parcels for the purpose of sale or lease, where no new street is involved. 2. The division of improved or unimproved land for the purpose of financing, sale, or lease, whether immediate or future, into 2 parts, where the boundaries of such property have been fixed by a recorded plat. 3. Lot line adjustments, whether or not a new lot is created. Minor Subdivision. The division of improved or unimproved land of any size for the purpose of sale or lease, into 10 or fewer lots or parcels, whether or not a new street is involved.	1. The division		
		Excerpt from Gilbert's Subdivision Regulations Code	Subdivider. A person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files application and initiates proceedings for the subdivision of land. An individual serving as agent for such legal entity is not a subdivider. Subdivision. The division of improved or unimproved land or lands for the purpose of financing, sale or lease, whether immediate or future, into 4 or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into 2 or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than 2 parts. Subdivision also includes any condominium, cooperative, community apartment, townhouse or similar project containing 4 or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.			
		"	The point being made here is, if I own 100 acres and I want to sell 25 acres that has legal access to a street, I have the right to sell that 25 acres, even if it is part of a larger tax assessor parcel, without the sale constituting a 'subdivision', a 'minor land division' or a 'land split' and without violating the City's Zoning Code or Subdivision Regulations. The State Statutes specifically prohibit a municipality from regulating such a sale. Any reference to the division of land in the definition of 'Development' in this Zoning Code should be removed.			
	234	"	Development- at the end of the definition, what does "and any use or extension of the use of land" mean? If the land is being cultivated or used for other agricultural purposes does that mean 'development'? Please clarify.			
	235	Pg 68, Definitions	Permit - Please remove at the end of the definition the items: "license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency". These items are <u>not</u> Permits.			
Stakeholder - PRI/Rose Law Group	236	Pg 69, Definitions	Zoning District and Zone or Zoning District have the identical definition. Please remove one of these.			
	237	"	Please also provide the definitions for "Business Days and, if different, "Working Days".			
Stakeholder - PRI/Rose Law Group	238	General	This Module is confusing as it relates to which permits are required. It appears to be adding a new layer of permitting to the existing process. Is it the case that once zoning is in place, all projects (unless they are PAD's) first require a Use Permit (zoning, minor, conditional, or temporary), then a Development Review Permit (minor or major), and then whatever building permits are required? If so, this certainly doesn't seem to streamline the process.	As stated in previous responses, we share commenters' interest in streamlining and hope through our suggested responses that the revised Code language will meet this objective.		
	239	General	Why require a Zoning Permit at all? If we have already determined that a proposed use is permitted in that zoning district by right, what is there to review outside of a plat or building permit applications?	The Zoning Permit is intended, as an over-the-counter review, to be the means of making that determination so it need not be done at the building permit stage.		

	240	General	What is the purpose of the Development Review Permits? These are not building permits, correct? This seems to be an additional approval layer that isn't necessary. If your use is allowed by right, or you get a Minor or Conditional Use Permit, why can't you then prepare construction drawings and submit them for a building permit application?	The development review permit enables the applicant to now that the conditions of approval related to zoning standards and changes requested into eh site plan, for example, have been met before investing in detailed drawings for a building permit. This is City practice already.	
	241	General	Does a PAD application/permit take the place of both the Use and Development permits that would be required for other projects?	Yes, but development review permits may be required for individual "units" or phases of a large scale development plan or for non-residential plots where only a generalized land use designation was indicated.	
	242	Article 501.02.B.1.d	Doesn't the City Council also hear appeals of decisions of the Board of Adjustment?	No, decisions of the Board would be final under the proposed regulations.	
	243	Article 501.03.C.1	Do we want the City Council as a whole to vote on the appointment of P&Z members or just let each City Council member appoint one? I would suggest that the former lends itself to a more independent and impartial P&Z.	We do not intend to change the appointment process currently used, except to add qualifications and provide for staggered terms.	
	244	Article 501.04.C.1	Same comment as above for Board of Adjustment.	Same response.	
	245	Article 501.04.D	Appeals of BOA decisions should be made to the City Council, not to Pinal County Superior Court.	This is a policy decision, we believe. Tempe uses a similar approach. Decisions of its Board of Adjustment are final, with appeals to Maricopa County Superior Court. (See Chapter 8 of the Tempe Zoning and Development Code.)	
	246	Article 501.09.C	Not certain its appropriate to have School District representatives on the Technical Advisory Committee when they are separately negotiating with developers for contributions and land donations.	They are currently represented on the City's Subdivision Technical Committee, so we did not change the composition.	
	247	Table 501.11	This table appears to indicate that a decision to revoke a permit is not appealable. It should be.	Good point. We can provide the same appeal rights as with the original permit.	
	248	Article 502.02.C.4	Should allow fees to be refunded on applications filed IF review has not commenced when it is withdrawn (i.e. still in the review queue).	Good suggestion; we will discuss with senior management.	
	249	Article 502.05.B	Why are we requiring neighborhood meetings for variances? They are approved administratively. Item #6 in this section doesn't make sense either. If I want to build a residence within 300' of the lot line of another residence then I have to have a neighborhood meeting? Finally, with respect to annexations, noticing requirements are outlined in State statute, why are we requiring a separate neighborhood meeting for that?	This section will be revised to track ARS and current requirements in Ordinance 07-01, Citizen Participation Requirements.	
	250	Article 502.05.C	Eliminate the requirement that neighborhood meetings be held within 90 days of the hearing. These meetings are often done early in the process to weed out issue and if Staff review takes too long or hearings get postponed (none of which is the fault of the developer) then they would have to do another meeting.	SB 1598 requires timelines to be included, and we think this is a reasonable response. The current City requirements for citizen participation also include the 90-day rule.	
	251	Article 502.05.F.2	Delete this altogether. Neighborhood meetings are for select groups of affected/interested property owners, all of which will be invited by mail. There is no need to publish a notice in the paper which would theoretically invite anyone to attend.	The City currently requires published notice and this will be maintained in the Code Rewrite.	
	252	Article 502.05.G.1.f	Delete this (see previous comment).	Will be retained for the reason stated above.	
	253	Article 502.06	Why does the public need to be notified about decisions that are administrative before they happen? This defeats the purpose of making these decisions administrative since anyone can request a public hearing for any reason. This would be a huge waste of the City's resources.	We suggest this as part of a concept of open government and have invited Task Force discussion of the issue.	
	254	Table 502.06	Revise per previous comment.	This table will be revised based on Task Force direction.	
	255	Article 502.09.A	While it may be common to require officials to document the time and place of ex parte communications, it is NOT common to require the content of that communication to be documented. This would be tremendously burdensome on City officials.	We agree and will revise this section so only the time and place and the names of those participating be documented, not the content.	
	256	Article 502.12.B	Consider allowing multiple one-year extensions to be granted. Correct this sub-section to be consistent with the previous sub-section so that requests for extensions can be made within 2 years of the original approval (not 1 year) since the original approval is valid for 2 years.	Good points.	
	257	Article 502.14.D.3	Recommend increasing this time period to 2 years.	Good suggestion; we will consider this in light of Task Force comments.	
	258	Article 502.15.C	This section should define what constitutes being "aggrieved" by a decision. We want to avoid situations where appeals are filed by people with no real standing or by competitors.	The term will be defined.	
	259	Article 503.04	Recommend eliminating the need for a Zoning Permit altogether as explained in General comments above. This seems like an unnecessary step in the process for uses that are permitted by right.	Our reasoning for including such a permit is presented above.	
	260	Article 503.11.A	Change the time period to 2 years to be consistent with previous sections of the document.	Good suggestion; we will consider this in light of Task Force comments.	
	261	Article 504	As indicated in the General comments above, why do we need Development Review Permits? They aren't zoning or plats or building permits, so we seem to be creating an unnecessary step in the process which defeats the goal of streamlining.	Our reasoning for including such a permit is presented above.	
	262	Article 504.04.A	Why is 5,000 SF the threshold? In theory this would force large custom homes into the "Major" category. Suggest increasing to 10,000 SF.	Good suggestion.	
	263	Article 504.04.C	Typo - should say "Minor"	OK	
	264	Article 504.05.A	Same comment as above regarding the 5,000 SF threshold.	Good point. .	
	265	Article 504.09.A	Change to 2 years to be consistent with the rest of the document.	Good suggestion.	
	266	Article 507	Can we provide that rezoning applications can be processed concurrently with General Plan Amendments (at the very least Minors)?	Yes.	
	267	Article 508.06.B	Recommend deleting this altogether. Opposing parties have their voice at the public hearings. A super-majority vote should not be forced on a rezoning. This will scare off development.	ARS requires this super-majority provision. See 9-462.04.	
	268	Article 509	Does the PAD approval process replace the need for Use and Development Permits?	It could for Use Permits, but not for Development Permits for individual development projects within the PAD.	
	269	Article 509.03.B.3	Clarify that Preliminary Subdivision Plats can be processed concurrently with PAD applications. This is common in many jurisdictions.	Will do.	

	270	Article 509.03.D	Some of the submittal requirements are onerous for the PAD stage and would not typically be required until platting (i.e. 6b, 6e, 6f, etc.)	These submittal requirements will be revised; see response above.	
	271	Article 509.04	Recommend deleting this section. Let's not dictate product mix to the market. The market with dictate that and the PAD can be reviewed on its own merits.	This will be a Task Force discussion issue.	
	272	Article 509.05.F.3	Why must all PAD's provide housing that is affordable to low income households?	This factor will be eliminated.	
	273	Article 509.07.A.2	"Preliminary Map" isn't defined anywhere. What is this and how does it relate to the PAD process?	This term will be defined.	
	274	Article 509.07.A.3	Recommend deleting this. If a PAD is approved and development begins and the market changes in the middle of building it out, why would we want to invalidate the PAD in the middle of it being built out?	This provision will be deleted.	
	275	Article 509.07.B	Recommend making renewal of a PAD approval an administrative action.	Will do.	
	276	Article 509.08	How can we address changes that need to be made to a PAD as a result of a government entity action such as the redesignation or realignment of a major roadway through or adjacent to a PAD? In that case, necessary PAD changes should be handled administratively.	We agree and will make revisions to allow for this.	
	277	Article 509.08.B.2	Recommend changing to 10%. 10% is more consistent with other municipalities threshold's for minor vs. major amendments.	OK	
	278	Article 509.08.B.6	The statement about a change in density is inconsistent with item 2, density changes of less then 10% should not be major amendments.	OK	
	279	Article 509.08.B.7, 8,9	Recommend deleting 7, 8 and 9. Far too restrictive. This can be handled via a minor amendment.	These three types of changes will be deleted.	
	280	Article 509.08.D.1	Does the reference to "size" refer to changing the size of lots within a phase or the size of the phase itself? Recommend allowing lot size changes so long as the overall project density isn't changed. Many existing PAD's were done in market conditions that are long gone and lot sizes will need to be adjusted. Being able to do so administratively will be critical.	We agree and will make revisions to allow for this.	
	281	Article 509.08.D.3	Does the reference to "park sites" include all common open space areas? It should.	Our intent here was just to focus on publicly accessible parkland. We could see extending this to common open space, with Task Force direction.	
	282	Article 511.03.C.1	Why not honor the term of the issued permit?	Good point; this will be addressed in Rules of Transition.	